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CANON LAW DIGEST

Officially Published Documents Affecting
the Code of Canon Law 1953 - 1957

Volume IV

By

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and

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FOREWORD

Volume IV of the Canon Law Digest is here presented in final form, that is, as a closed volume, not to be changed to accommodate future documents. With Volumes I, II, and III, it will constitute a repertory, intended to be as complete as possible, of the canonical documents issued officially since the promulgation of the Code of Canon Law.

Although the volume was originally projected not to be closed until ten years had elapsed since the appearance of Volume III. the vast amount of new material collected during the first five years of this period necessitates publishing a new volume at this time.

This volume includes:

1. the documents which were officially published in the *Acta Apostolicac Scdts* from January 1, 1953. to December 31, 1957, that is, volumes 45 to 49;

2. other documents belonging to the same period but which were not officially published;

3. a number of earlier documents which had hitherto evaded our search.

'Die plan of the book is the same as that of the three preceding volumes; that is, the documents are arranged according Io the numerical order of the canons of the Code which they principally concern. If. as frequently happens, a document refers to several canons, it is fully reported under one of them, and cross references to the full report are given under the other canons which may be affected. Besides these cross references there arc quite a number of simple references indicating briefly the substance of certain other documents which were not considered of sufficient importance to merit being reported in full, or which could easily be found elsewhere. If an English version of these documents was found, reference to the version has been made. Both the cross references and the simple references arc

inserted under the respective canons, after the full reports and in smaller print.

Since the completion of several parts of the codification of the Oriental Code of Canon Law, a number of official interpretations of that law have been promulgated. All these documents have been reported under canon 1 of the Latin Code since it has a general provision concerning Orientals. Under that canon, the replies are arranged according to the sequence of the separate sections of the Oriental Code. Where any such official interpretation affects the Latin Code or its interpretation, a cross reference is made at the pertinent canon of the Latin Code.

The present volume has *cumulative indices,* both chronological and general, of all four volumes, with page references throughout.

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LIST OF ABBREVIATIONS

AAS	*Acta Apostolicae Sedis*
Ap. Const.	Apostolic Constitution
Archiv K. KR.	*Archiv jür Katholisches Kirchenrecht*
ASS	*Acta Sanctae Sedis*
Cancell.	The Apostolic Chancery
Cod. Com.	The Pontifical Commission for the Authentic Interpretation of the Code (Code Commission)
Collectanea	*Collectanea Sacrae Congregationis de Propaganda Fide* (1907 edition, two volumes)
Datar	The Apostolic Datary
E.R	*The American Ecclesiastical Review*
Fontes	Gasparri, *Codicis Juris Canonici Fontes*
Homil	*The Homiletic and Pastoral Review*
Instr	Instruction
Irish E.R.	*Irish Ecclesiastical Record*
J.P	*Jus Pontificium*
Monit	*Il Monitore Ecclesiastico*
N.R.T	*Nouvelle Revue Théologique*
Periodica	*Periodica de Re Morali, Canonica, Liturgica*
R.D	*Sacrae Romanae Rotae Decisiones seu Sententiae*
Resol	*Resolutio*
Rota	The Sacred Roman Rota
S. C. Caer.	The Sacred Congregation of Ceremonies
S. C. Cone.	The Sacred Congregation of the Council
S. C. Consist.	The Sacred Consistorial Congregation
S. C. Neg. Eccl. Ext	The Sacred Congregation for Extraordinary Ecclesiastical Affairs
S. C. Or	The Sacred Congregation for the Oriental Church
S. C. Prop. Fid.	The Sacred Congregation of Propaganda
S. C. Rel.	The Sacred Congregation of Religious
S. C. Rit.	The Sacred Congregation of Rites
S. C. Sacr.	The Sacred Congregation of the Sacraments
S. C. Stud.	The Sacred Congregation of Seminaries and Universities

LIST OF ABBREVIATIONS

Sec. Stat.	Office of the Papal Secretary of State
Sienatura	The Supreme Tribunal of the Signatura
S. Off.	The Supreme Sacred Congregation of the Holy Office
S. Poen.	The Sacred Penitentiary
T.P. Quart.	*Theologische-Praktische Quartalschrift*
Zeit. K. T.	*Zeitschrift fur Katholische Théologie*

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PRELIMINARY SECTION

PRELIMINARY

Address to the Fifth National Convention of Italian Catholic Jurists (Pius XII, 6 Dec., 1953) AAS 45-794?

It gives Us great satisfaction, beloved sons of the Union of Italian Catholic Jurists, to see you gathered round Us here and to bid you heartfelt welcome.

♦ * ♦

From what We have said, it is easy to deduce the fundamental theoretical principles for dealing with these difficulties and tendencies: within the limits of the possible and lawful, to promote everything that facilitates union and makes it more effective; to remove everything that disturbs it; to tolerate at times that which it is impossible to correct, but which on the other hand must not be permitted to make shipwreck of the community, from which a higher good is hoped for. The difficulty rests in the application of this principle.

IV

In this connection We wish to treat with you, who are happy to profess yourselves Catholic jurists, concerning one of the questions

1 This is a capita) document on religious tolerance. Its special importance is signalized by the fact that it was, by order of His Holiness, translated into several modern languages for transmission by the Vatican Radio. In the first part of the address, we omit some passages in which the Holy Father speaks in general terms of the problems arising from the formation of a Community of Nations. After the introductory sentence we pass to the end of Section III and give the rest of the address in full. This is the English translation which was made for the Vatican Radio. The full text appeared also in *The Catholic Mind* for April, 1954, Volume 52, page 244.

which arise in a community of peoples, that is, the practical co-existence of Catholic with non-Catholic States.

Depending upon the religious belief of the great majority of citizens, or by reason of an explicit declaration of law, peoples and members of States of the international Community will be divided into Christians, non-Christians, those who are indifferent to religion, or consciously without it, or even professed atheists. The interests of religion and morality will require for the whole extent of the international Community a well-defined rule, which will hold for all the territory of the individual sovereign member-States of the international Community. According to probability and depending on circumstances, this ruling of positive law will be thus enunciated: within its own territory and for its own citizens, each State will regulate religious and moral affairs by its own laws; nevertheless, throughout the whole territory of the international Community of States, the citizens of every member-State will be allowed the exercise of their own beliefs and ethical and religious practices, in so far as these do not contravene the penal laws of the State in which they are residing.

For the jurist, the statesman, and the Catholic State, there arises here the question: can they give their consent to such a ruling when there is question of entering and remaining in an international Community?

Now, in regard to religious and moral interests, a twofold question arises: the first deals with the objective truth and the obligation of conscience toward what is objectively true and good; the second deals with the practical attitude of the international Community toward the individual sovereign State and the attitude of the individual State toward the international Community in what regards religion and morality. The first question can hardly be a matter for discussion and legal ruling between the individual States and the international Community, especially in the case of a plurality of different religious beliefs within the international Community. On the other hand, the second question can be of extreme importance and urgency.

V

Now to give the right answer to the second question. Above all it must be clearly stated that no human authority, no State, no Community of States, whatever be their religious character, can

give a positive command or positive authorization to teach or to do that which would be contrary to religious truth or moral good. Such a command or such an authorization would have no obligatory power and would remain without effect. No authority may give such a command because it is contrary to nature to oblige the spirit and the will of man to error and evil, or to consider one or the other as indifferent. Not even God could give such a positive command or positive authorization, because it would be in contradiction to His absolute truth and sanctity.

Another question essentially different is this: could the norm be established in a Community of States, at least in certain circumstances, that the free exercise of a belief and of a religious or moral practice, which possess validity in one of the member States, be not hindered by laws or coercive measures of the State throughout the entire territory of the Community of Nations? In other words, the question is raised whether in these circumstances, *non impedire* or toleration is permissible, and whether consequently positive repression is not always a duty.

We have just adduced the authority of God. Could God, although it would be possible and easy for Him to repress error and moral deviation, in some cases choose the *non impedire* without contradicting His infinite perfection? Could it be that in certain circumstances He would not even communicate the right to impede or to repress what is erroneous and false? A look at things as they are gives us an affirmative answer. Reality shows that error and sin are in the world in great measure. God reprobates them, but He permits them to exist. Hence the affirmation: religious and moral error must always be impeded when it is possible, because toleration of them is in itself immoral, is not valid absolutely and unconditionally. Moreover, God has not given even to human authority such an absolute and universal command in matters of faith and morality. Such a command is unknown to the common convictions of mankind, to Christian conscience, to the sources of revelation, and to the practice of the Church. To omit here other Scriptural texts which are adduced in support of this argument, Christ in the parable of the cockle gives the following advice: let the cockle grow in the field of the world together with the good seed in view of the harvest (cf. Matthew 13:24-30). The duty of repressing moral and religious error cannot therefore be an ultimate norm of action. It must be subordinate to higher and

more general norms, which in some circumstances permit, and even perhaps seem to indicate as the better policy, toleration of error in order to promote a greater good.

Thus the two principles are clarified to which recourse must be had in concrete cases for the answer to the serious question concerning the attitude which the jurist, the statesman, and the sovereign Catholic State are to adopt in consideration of the Community of Nations in regard to a formula of religious and moral toleration as described above. First: that which does not correspond to truth or to the norm of morality objectively has no right to exist, to spread, or to be activated. Secondly: failure to impede this with civil laws and coercive measures can nevertheless be justified in the interests of a higher and more general good.

Before all else the Catholic statesman must judge if this condition is verified in the concrete—this is the "question of fact." In his decision he will permit himself to be guided by weighing the dangerous consequences which stem from toleration, against those from which the Community of Nations will be spared if the formula of toleration be accepted; moreover he will be guided by the good which according to a wise prognosis can be derived from toleration for the international Community as such, and indirectly for the member State. In that which concerns religion and morality he will also ask for the judgment of the Church. For her, only he to whom Christ has entrusted the guidance of His whole Church, is competent to speak in the last instance on such vital questions, which touch international life, that is, the Roman Pontiff.

VI

The institution of a Community of Nations, which to-day has been partly realized, but which is striving to be established and consolidated upon a higher and more perfect level, is an ascent from the lower to the higher, that is, from a plurality of sovereign States to the greatest possible unity.

The Church of Christ has, in virtue of a mandate from her Divine Founder, a similar universal mission. She must draw to herself and bind together in religious unity the men of all races and of all times. But here the process is in a certain sense the contrary: she descends from the higher to the lower. In the former case, the superior juridical unity of nations was and still is to be created. In the latter, the juridical community with its universal

end, its constitution, its powers and those in whom these powers are invested, are already established from the beginning by the will and decree of Christ Himself. The duty of this Universal community from the outset is to incorporate all men and all races (cf. Matthew 28:19) and thereby to bring them to the full truth and the grace of Jesus Christ.

The Church in the fulfillment of this her mission has always been faced and is still faced in large measure by the same problems which the functioning of a Community of sovereign States must overcome; only she feels them more acutely, for she is obligated to the purpose of her mission, determined by her Founder Himself, a purpose which penetrates to the very depths of the spirit and heart of man. In this state of affairs conflicts are inevitable, and history shows that there have always been conflicts, there still are, and according to the words of the Lord, there will be till the end of time. For the Church with her mission has been and is confronted with men and nations of marvelous culture, with others of almost incredible lack of civilization, and with all possible intermediate degrees: diversity of extraction, of language, of philosophy, of religious belief, of national aspirations and characteristics; free peoples and enslaved peoples; peoples that have never belonged to the Church and peoples that have been separated from her communion. The Church must live among them and with them; she can never declare before any one that she is "not interested." The mandate imposed upon her by her Divine Founder renders it impossible for her to follow a policy of noninterference or laissez faire. She has the duty of teaching and educating in all the inflexibility of truth and goodness, and with this absolute obligation she must remain and work among men and nations who in mental outlook are completely different from each other.

Let us return now, however, to the two propositions mentioned above: and in the first place to the one which denies unconditionally everything that is religiously false and morally wrong. With regard to this point there never has been and there is not now in the Church any vacillation or any compromise, either in theory or in practice. Her deportment has not changed in the course of history, nor can it change, whenever or wherever, under the most diversified forms, she is confronted with the choice: either incense for idols or blood for Christ. The place where you are now present, Eternal Rome, with the remains of a greatness that was and the

glorious memories of its martyrs, is the most eloquent witness to the answer of the Church. Incense was not burned before the idols, and Christian blood flowed and consecrated the ground. But the temples of the gods lie in the cold devastation of ruins howsoever majestic, while at the tombs of the martyrs the faithful of all nations and all tongues fervently repeat the ancient Creed of the Apostles.

With regard to the second proposition, that is to say with regard to tolerance, in determined circumstances, with regard to toleration even in cases in which one could proceed to repression, the Church — out of regard for those who in good conscience (though erroneous, but invincibly so) are of a different opinion — has been led to act and has acted with that tolerance, after she became the State Church under Constantine the Great and the other Christian Emperors, always for higher and more cogent motives; so she acts today, and also in the future she will be faced with the same necessity. In such individual cases the attitude of the Church is determined by what is demanded for safeguarding and considering the *bonum commune,* on the one hand the common good of the Church and the State in individual States, and on the other the common good of the universal Church, the reign of God over the whole world. In considering the *pro* and *con* for resolving the "question of fact," as well as what concerns the final and supreme judge in these matters, no other norms are valid for the Church except the norms which We have just indicated for the Catholic jurist and statesman.

VII

The ideas which We have set forth may be useful for the Catholic jurist and statesman also when in their studies or in the exercise of their profession they come in contact with the agreements (Concordats, Treaties, Agreements, *Modus vivendi,* etc.) which the Church (that is to say, for a long time now, the Apostolic See) has concluded and still continues with sovereign States.

The Concordats are for her an expression of the collaboration between the Church and the State. In principle, that is in theory, she cannot approve complete separation of the two Powers. The Concordats, therefore, must assure to the Church a stable condition in right and in fact in the State with which they are concluded. and must guarantee to her full independence in the ful-

fillment of her divine mission. It is possible that the Church and the State proclaim in the Concordat their common religious conviction; but it may also happen that the Concordat have, together with other purposes, that of forestalling disputes with regard to cpiestions of principle, and of removing from the very outset possible matters of conflict. When the Church has set her signature to a Concordat, it holds for everything contained therein. But, with the mutual acknowledgment of both high contracting parties, it may not hold in the same way for everything. It may signify an express approval, but it may also mean a simple toleration, according to those two principles which are the norm for the co-existence of the Church and her faithful with the civil Powers and with men of another belief.

This, beloved sons, is what We intended to treat of with you rather fully. For the rest, We are confident that the international Community can banish ever}'· danger of war and establish the peace, and, as far as the Church is concerned, can guarantee to her freedom of action everywhere, so that she may be able to establish in the spirit and in the heart, in the thoughts and actions of men, the Kingdom of Him Who is the Redeemer, the Lawgiver, the Judge, the Lord of the world, Jesus Christ, Who rules as God over all things, blessed forever (Rom. 9:5).

While with Our paternal good wishes We follow your work for the greater good of nations and for the perfecting of international relations, from the fulness of Our heart We impart to you, as a pledge of the richest divine graces, the Apostolic Benediction.

AAS 45-794; Pius XII, Allocution, 6 Dec., 1953.

BOOK I

GENERAL NORMS

Canons 1 - 86

BOOK I

GENERAL NORMS

Canons 1-86

CANON 1

Oriental Marriage Code: Private Reply on Power of Oriental Rite Pastor and Latin Rite Ordinary to Delegate Latin Rite Pastor to Assist at Marriage (S. C. Eccl. Or., 27 Nov., 1952) Private.

The following case was proposed to the Sacred Congregation for the Oriental Church:

Joseph, a Maronite, wishes to marry a woman who is a non-Catholic but baptized in a sect. Joseph lives in a city where there is a Maronite pastor, with whom he treats of the contemplated marriage. The pastor prepares everything else as usual, but says that he will not be in the citv on the dav chosen and set aside for the ceremony, and so he sends a letter to the Latin pastor of the place, granting him permission to bless the marriage.

The Latin pastor, however, has doubts about the validity of such delegation, and communicates with the Ordinary of the diocese. The Latin Ordinary replies that the Maronite people do not have an Ordinary proper to themselves, and so dispensations are validly and licitly sought from him, the Latin Ordinary. Tn the case, the Ordinary, exercising jurisdiction over a Maronite man, delegates the Latin pastor of the place to celebrate the marriage, which the same pastor afterward blesses in the Latin rite.

Now, however, several canonists urge:

1. A Maronite pastor acts invalidly if he tries to delegate a Latin pastor, as in the case above mentioned.

2. Also the Latin Ordinary acts invalidly if he likewise tries to delegate a Latin pastor.

Since such cases are not rarely found in our country, I hope Your Eminence will expound for us the principles regarding validitv.

The following reply was received from the Sacred Congregation:

1) To the first: Can a Maronite pastor of the Antiochine rite grant to a Latin pastor the faculty to assist at the marriage in the case?

Reply: The Maronite pastor of the Antiochine rite, since he is supposed to be absent at the time of the celebration of the marriage, can delegate any priest to assist in a Maronite church of the Antiochine rite (canon 87, § 1, η. 1, *Motu proprio, Crebrae allatae).*

Moreover, the same pastor can delegate a pastor of a Latin parish of the same territory to assist at the said marriage in a church of the Latin rite: for what he can do personally he can, with the express consent of the rector of the Latin rite church in the territory, also do through another *{Ada Apostolicac Sedis,* 4 Aug., 1952).

2) To the second: Can an Ordinary of the Latin rite grant to a Latin pastor the faculty to assist at the marriage in the case?

Reply: Since in the Diocese of NN., there is no Maronite Hierarchy of the Antiochine rite, the Latin Ordinary, in the same way as for the Latins, can grant the faculty to a priest of any rite to assist at the marriage in the case (canon 86, § 3, n. 3, canon 87, § 1, n. *l,Motu proprio, Crebrae allatae).*

Delegation to the Latin pastor was licitly granted since the pastor of the groom was absent, even though temporarily.

(Private); S. C. Ecd. Or., Letter, 27 Nov., 1952 (Prot. N. 127/49). Translated from the Latin text published in *The Jurist,* 13-124.

Oriental Marriage Code: Interpretation of Canon 85 (Oriental Code Com., 8 Jan., 1953) AAS 45-104.

The Oriental Code Commission was asked:

I. Whether a priest of the Latin rite, lawfully assisting at a

marriage between a Catholic party of the Oriental rite and a non-Catholic party, either baptized or not baptized, must observe the prescription of canon 1102, § 2 of the (Latin) Code of Canon Law or the prescription of canon 85 of the Apostolic Letter, *Crebrae allatae sunt.*

Reply: In the affirmative to the first part; in the negative to the second.

II. Whether a priest of the Oriental rite, lawfully assisting at a marriage between a Catholic party of the Latin rite and a non-Catholic party, either baptized or not baptized, must observe the prescription of canon 1102, § 2 of the (Latin) Code of Canon Law or the prescription of canon 85 of the Apostolic Letter, *Crebrae allatae sunt.*

Reply: In the negative to the first part; in the affirmative to the second.

AAS 45-104; Oriental Code Commission, 8 Jan., 1953. Annotations, *Monitor Ecclesiasticus,* 78 (1953)–213 (Herman).

Oriental Marriage Code: Interpretation of Canons 18, 31, 32, 85, 86, 88 (Oriental Code Com., 3 May, 1953) AAS 45-312.

The Oriental Code Commission was asked:

Canon 18

I. Whether the local Hierarch in whose eparchy a marriage is celebrated can, according to canon 18, §2, dispense from the banns of marriage contracting parties who are bound by that law although belonging to a different rite.

Reply: In the affirmative, provided he is the proper Hierarch of the one who needs the dispensation.

II. Whether the local Hierarch in whose eparchy a marriage is celebrated can, according to canon 18, §2, dispense from the banns of marriage contracting parties who are of the same rite as the Hierarch himself, who however is not their proper Hierarch.

Reply: In the negative.

Canon 31

In individual cases, to what grade must an impediment be con-

sidered to belong which, according to canon 31, is of major or minor grade, depending upon different methods of computation, the Oriental or the Latin?

Reply: The impediment must be considered to belong to that grade to which it belongs in the discipline of the Hierarch who granted the dispensation.

Canon 32

I. Whether the words of canon 32, § 5, "the dispensation must be sought from the Hierarch of the man," exclude the power of the Hierarch of the woman to dispense validly from an impediment which binds only the woman.

Reply: In the negative.

II. Whether the prescription of canon 32, § 5 must be applied if contracting parties of the same rite belong to eparchies of a different rite.

Reply: In the affirmative.

Canon 85

Whether the word *"benedicentis"* of canon 85, §2, means a simple blessing, or whether a definite liturgical rite is required.

Reply: In the affirmative to the first part; in the negative to the second.

Canon 86

Whether the words of canon 86, § 1, n. 2: ". . . whether the contracting parties are his subjects or are not his subjects, *provided they are of his rite,"* compared with the words of canon 1095, § 1, n. 2 of the (Latin) Code of Canon Law, . . in which (territory) they can validly assist at marriages not only of their own subjects but also of persons who are not their subjects," must be so understood that the pastor and the local Hierarch of the Oriental rite can validly assist at a marriage of two of the faithful of the Latin rite, and likewise that the pastor and the local Hierarch of the Latin rite can validly assist at a marriage of two of the faithful of the Oriental rite.

Reply: In the negative.

Canon 88

Whether the prescription of canon 88, § 3, "marriages however between Catholics of different rites are to be celebrated in the rite of the man and before his pastor," abrogate the prescription of canon 1097, § 2 of the (Latin) Code of Canon Law, ". . . marriages however between Catholics of different rites, *unless there be some provision oj particular law to the contrary,* are to be celebrated in the rite of the man and before his pastor."

Reply: In the affirmative.

AAS 45–312; Oriental Code Com., 3 May, 1953. Annotations, *Monitor Ecclesiasticus,* 78 (1953)–574 (Herman).

Note: In the interpretation given to canon 88, in spite of its literal terms, which we have translated exactly, it is of course perfectly clear that what is abrogated is *not* the entire clause quoted, but only that part which is italicized.

Oriental Code of Procedure: Interpretation of Canon 72

(Oriental Code Com., 8 Jan., 1953) AAS 45-104.

The Oriental Code Commission was asked:

I. Whether the appellate tribunal mentioned in canon 72, § 1, n. 6, to be designated "by the Patriarchs of the parties in the case, who belong to different rites," is to be established by the Patriarchs of the parties in the case by decrees issued for each individual case of appeal, or by only one decree for all cases.

Reply: In the negative to the first part; in the affirmative to the second.

II. Whether the words of canon 72, § 1, n. 6, "by the Patriarchs of the parties in the case, who belong to different rites," must be understood of all Patriarchs of the faithful whose Hierarchs, according to canon 39, § 1, have agreed on the establishment of only one tribunal.

Reply: In the affirmative.

AAS 45-104; Oriental Code Com., 8 Jan., 1953. Annotations, *Monitor Ecclesiasticus,* 78 (1953)–216 (Herman).

Oriental Code of Procedure: Interpretation of Canon 151

(Oriental Code Com., 8 Jan., 1953) AAS 45-105.

The Oriental Code Commission was asked:

I. Whether the words of canon 151, § 1, "in any place whatever of his eparchy," must be so understood that the Bishop can, personally or by delegate, within the limits of his territory, validly and licitly place an act of judicial power, even in places which belong to the exclusive jurisdiction of another rite, provided he has the express consent of the Hierarch of the aforesaid places.

Reply: In the affirmative.

II. Whether the interpretation given in the reply to I is declarative or extensive.

Reply: In the negative to the first part: in the affirmative to the second.

AAS 45-105; Oriental Code Com., 8 Jan., 1953. Annotations, *Monitor Ecclesiasticus,* 78 (1953)-218 (Herman).

Greek-Ruthenians in Canada: Reorganization of Hierarchy (Pius XII, Ap. Const., 3 Nov., 1956) AAS 49-262.

An Apostolic Constitution of Pius XII, 3 Nov., 1956, is entitled: "*Winncpegcnsis*—-An ecclesiastical Province is established in Canada for Ruthenians of the Byzantine rite. Moreover the Apostolic Exarchate of Winnipeg is raised to the grade and dignity of a Metropolitan Sec; those of Edmonton. Toronto, and Saskatoon are raised to the grade and dignity of Eparchies."

Pius. Bishop,
Servant of the Servants of God
for a Perpetual Memorial

That this Apostolic See has always with maternal solicitude taken care of the faithful who have left their own country and migrated to other lands, is a matter well known to every one. Regarding the Ruthenians who live in Canada, many decrees and acts of the Roman Pontiffs are extant, which stand as illustrious proofs of this solicitude. After Our Predecessor the Supreme Pontiff Saint Pius X had by singular providence, in the year 1912, established a so-called Ordinariate to take care of those faithful according to their own rite, and the arrangement had proved successful, We, in the year 1948, divided it into three Exarchates, and then in 1952 into four, so that there might be a fair and sufficient number of sacred Prelates corresponding to the increased number of the faithful.

Since, however, these Prelates, even from the time when the Exarchates were established, prayed that an ecclesiastical Province might be formed from them — for thus a union of forces would be effected and better provision would be made for the needs of the faithful — the Sacred Congregation for the Oriental Church, after hearing from Our venerable Brother John Panico, titular .Archbishop of Justiniana and Apostolic Delegate in Canada, and after having maturely considered the matter, decided that the petition should be granted, especially as the Province of Leopoli. from which the Ruthenians came, is in the throes of a harsh and cruel persecution, and the Metropolitan himself and the other Bishops have been hounded almost to death for the faith of Christ and for their fidelity to the Apostolic See.[1]

And now We, entirely approving the proposal of the Sacred Congregation, and supplying the consent of those who might have some rights in the matter, of Our supreme authority decree and command as follows:

We establish in Canada a new ecclesiastical Province for the Ruthenian faithful of the Byzantine rite who are living there, which shall include the Sees of Winnipeg, Edmonton, Toronto, and Saskatoon, until now Apostolic Exarchates. Of these, We elevate the See of Winnipeg to the grade and dignity of a Metropolitan See: the others. We set up in the form of Eparchies, attributing to each the rights and privileges which are appropriate to it, in accordance with the prescriptions and legitimate customs which are peculiar to the Oriental Church: and upon the Prelates to whom these territories are entrusted for government. We also impose the burdens and obligations which correspond to their dignity. Moreover We make the Eparchies subject to the Metropolitan See of Winnipeg, to which they must be obedient as suffragans; and We decree the same as regards their Eparchs, who shall be subject to the Metropolitan.

1'he provisions of this Our Letter shall be put into effect by Our venerable Brother the Apostolic Delegate in Canada: to whom We give all the necessary faculties for that purpose, with power to delegate them, if he secs fit, to any man who has an ecclesiastical dignity. After it has been done, he shall have docu-

[1] Leopoli, or Lwôw, in Poland, besides the Metropolitan See (Latin), has a diocese for Ruthenian Catholics, whose Bishop, the Most Reverend Joseph Slipyi, is noted in the *Annuario Pontificio* for 1957 as being in prison for the faith.

merits drawn up and promptly send good copies of the same to the Sacred Congregation for the Oriental Church. If it should happen that when this work is to be done another is in charge of the said Delegation in Canada, the latter shall carry out these Our directions.

Given at Castel Gandolfo near Rome on the third day of November, 1956, the eighteenth of Our Pontificate.

A/\S 49-262; Pius XII, 3 Nov., 1956. Some formal recitals occurring at the end have been omitted from the translation.

Oriental Code: Canons on Oriental Rites and Persons (Pius XII, *Motu proprio,* 2 June. 1957) AAS 49-433.

An Apostolic Letter, *Motu proprio,* of Pius XII, promulgating parts of the Oriental Code of Canon Law, is entitled: "to Our Venerable Brothers the Patriarchs. Archbishops, Bishops, and other local Hierarchs of the Oriental Churches in peace and communion with the Apostolic Sec: concerning the Oriental Rites and Persons for the Oriental Churches."

Every one knows how great is the benefit accruing to the sanctity of the clergy, the edification of the faithful and the growth and splendor of the whole Church, from the willing and earnest observance of ecclesiastical and clerical discipline, as was clearly proclaimed by the Ecumenical Council of Trent, expressing the constant tradition of the Church: "Nothing more effectively leads others to piety and the worship of God, than the lives and example of those dedicated to the divine service: for when these persons, lifted as they are above the things of this world to a higher plane, become the object of observation, others looking upon them receive as it were a reflection of conduct that can be imitated. For this reason clerics called to the inheritance of the Lord, should by all means so conduct their life and all their ways, that in their dress, bearing, gait, speech, and all else, they may constantly manifest gravity, modesty, and a deep religious spirit; they must avoid even slight faults, which in them would be most serious; so that their actions mav move others to reverence."[1]

Yet in the course of the centuries it has come to pass that in

[1] Cone Trid., Sess. XXII, *de ref.,* cap. I.

the Oriental Churches the discipline of the clergy, sometimes deficient or uncertain, has become entirely inadequate for the present times.

It is common knowledge that not only the Ecumenical Councils but also other particular ones which have from time to time been celebrated in the Church, have not failed to enact appropriate prescriptions on the duties and privileges of Bishops and other clerics for the government of their life and for curbing and correcting their morals in case abuses should arise.

But as these regulations were neither complete nor certain, and were never properly drawn up in a single code, they were not adequate aids either for clerics in the regulation of their lives and activities or for Bishops in the government of their Hocks. All orders of the clergy were aggrieved at this failure, for they desired to know their duties and functions clearly and with certainty, both for their own spiritual progress and peace of mind and for the common good of the Church.

Although some of the Synods made praiseworthy efforts to satisfy the needs of their own communities in this respect, there was a growing desire among the Oriental Churches for one common code of ecclesiastical laws, which would be complete, certain, adapted to the conditions of our own time, and universal: something which would be a complete and certain system of discipline and an effective aid to holiness for all, and at the same time a new and excellent bond of union between all the Oriental Churches. Evidently such an undertaking could be effectively set on foot and enacted into law, only by the one supreme and universal authority of the Roman Pontiff and through his apostolic solicitude.

Once such a body of law should be issued and compared with the Code of Canon Law, surely there would appear a striking likeness or even identity among the canons and institutions of the universal Catholic Church, which at all times and in all places, while preserving the legitimate manners and customs of various peoples, strives at the same time with maternal solicitude to build, through prudent legislation, a livelier faith, a more active charity, and a firmer bond of union of the faithful with their lawful Pastors and of all with the Roman Pontiff, the Vicar of Christ, for the greater glory of the Saviour and for the edification of His Mystical Body.

We have already by Apostolic Letters provided for the discipline regarding the Sacrament of Matrimony,[2] ecclesiastical tribunals, the religious state and temporal property; and now We judge that the time has come to comply with the many requests which have come to Us from the Oriental bishops and the Sacred Congregation for the Oriental Church, whose work and ministry have been subjected to no small handicap by the uncertainties of the law, and to publish also the laws on the discipline of the clergy.

Accordingly, after having attentively and thoughtfully considered the matter before the Lord, of Our certain knowledge and in the fulness of Our Apostolic power, We have ordained and decreed the promulgation of the canons prepared by the Pontifical Commission for Drawing up a Code of Canon Law for the Oriental Churches, regarding the discipline of the clergy.

These canons specify and define for the sacred Pastors the functions and duties which they are to fulfill under the supreme and full power of jurisdiction of the Roman Pontiff, and at the same time they serve as an exhortation and aid to the end that they themselves, by the integrity of their lives, may become truly "the salt of the earth and the light of the world" and be the model and salvation of their flocks.

The patriarchal institution seems particularly worthy of mention, for it is, so to speak, the principal feature of the Oriental ecclesiastical hierarchy. The canons which deal especially with this subject bear the stamp of a venerable Christian antiquity, and outline the duties, rights, privileges, and just prerogatives of this institution.

It should also be noted that some of the canons contained in this Letter were, through evident necessity, already promulgated in a previous Apostolic Letter,[5] adapted to the rubric into which they were inserted; these are now reported in their proper place and in their proper and native terms, and are confirmed by Us.

[2] *Motu proprio, Crebrae allatae,* 22 Feb, 1949; AAS 41-89; ci. Canon Law Digest, 3, p. 399.

[3] *Motu proprio, Sollicitudinem Nostram,* 6 Jan, 1950; AAS 42-45; ci. Canon Law Digest, 3, p. 585.

[4] *Motu proprio, Postquam Apostolicis Litteris,* 9 Feb., 1952; AAS 41-65; ci. Canon Law Digest, 3, p. 131.

[5] Ci for example the *Motu proprio, Sollicitudinem Nostram* oi 6 Jan., 1950, canons 5-13, 86-91.

Moreover We have thought it well to add to these canons which deal with the Oriental rites and ecclesiastical hierarchy, certain others prepared by the same Pontifical Commission, which concern the laity and their associations for holiness of life and eternal salvation.

Since the canons on the discipline of the religious state have already been promulgated by I's, the entire canonical discipline *De. Personis* is now completed by the present Letter.

The canons which We approve with Apostolic authority are the following:

(The 558 canons here published are distributed under titles and sub-titles as follows:

The Oriental Rites: canons 1-15;
Physical and Moral Persons: canons 16-37;
Clerics in General: canons 38-158;
Clerics in Particular: canons 159-526:

Part I. The Supreme Power and Those Who Share in It: canons 162-391;

Part II. The Episcopal Power and Those Who Share in It: canons 392-526;

The Laity: canons 527-558).

By this Apostolic Letter given of Our own motion. We promulgate the above canons and give them the force of law for the faithful of the Oriental Churches, in whatever part of the world they may be and even though they be subject to a Prelate of a different rite. At the time when these canons go into effect by this Apostolic Letter, all statutes, general, particular, or special, even though they were enacted by Synods approved in the special form, and all prescriptions and customs which are still in force, whether general or particular, will lose all force and validity, so that the discipline concerning Oriental rites and persons shall be governed exclusively by these canons, and particular laws contrary to them will no longer have any effect, except in so far as they may be admitted in them.

In order that notice of this Our will may have time to reach all those concerned. We will and decree that this Apostolic Letter given of Our own motion shall go into effect on the twenty-fifth day of March, the Feast of the Annunciation of the Blessed

Virgin Mary, next year, all things to the contrary notwithstanding, even though worthy of most special mention.

Finally, when We consider the tremendous crises and the evils which afflict the Church of Christ throughout the world, there springs up from Our heart the exhortation which the Ecumenical Council of Trent addressed to Bishops: "It is desirable that those who assume the episcopal office recognize their duty and understand that they have been called, not to a life of personal comfort nor to wealth and luxury, but to labors and responsibilities for the glory of God. For it is beyond doubt that the rest of the faithful also will be more effectively aroused to religious fervor and to a blameless life, if they see that their Prelates are aspiring not to the things of this world but to the salvation of souls and to the heavenly home."[6]

To other clerics We recommend: "Let them attempt nothing apart from the Bishop, for to him the people of God are committed and it is he who must give an account for their souls"[7]; "let them obey the Bishop when he commands what is right; for, just as he is bound to show a sincere charity toward his clerics, they in turn must exhibit an untainted loyalty toward the Bishop."[8]

Given at Rome, from Saint Peter's, the second day of June in the year 1957, the nineteenth of Our Pontificate.

AAS 49-433; Pius XII, Apostolic Letter, *Motu proprio,* 2 June, 1057.

Encyclical: *Orientales Ecclesias,* Pius XII, 15 Dec., 1952 (AAS 45-5). *The Catholic Mind,* 51 (1952)–244.
Maronites: consanguinity See c. 84; Rota, 23 March, 1956.
Ordinariate established ior Orientals in France. S. C. Eccl. Or., Decree, 27 July, 1954 (AAS 47-612).
Three Masses on Day of Commemoration of All Faithful Departed: this privilege not extended to priests of Oriental Rites. Sec c. 806; S. C. P. F. for Affairs of the Oriental Rite, 22 March, 1916.

[6] Sess. XXV, *de ref.,* cap. I.
[7] Canones Apostolorum, 40 (Pitra, *luris ecclesiastici Graecorum historia et monumenta,* t. 1, Romae, 1864, p. 21).
[8] Syn. Sardicen., a. 343, can. 17 (Pitra, *Le.,* p, 480).

CANON 2

Paschal Vigil: Option to Celebrate It Extended Again (S. C. Rit., 15 Jan., 1955) AAS 47-48.

A Decree of the Sacred Congregation of Rites:

The optional celebration of the restored Paschal Vigil at the discretion of local Ordinaries, which was granted for three years by the Decree of 12 January, 1952,[1] is, in view of special circumstances and by order of His Holiness Pius XII, further extended for one more year.

All things to the contrary notwithstanding. January 15, 1955.

AAS 47-48; S. C. Rit., 15 Jan., 1955.

Rubrics Simplified (S. C. Rit., General Decree. 23 March. 1955) AAS 47-218.

A General Decree of the Sacred Congregation of Rites, entitled: *General Decree on Reducing the Rubrics to a Simpler Form,* is as follows:

Whereas priests to-day, especially those who have the care of souls, are burdened with various new apostolic duties, so that they can scarcely recite the divine Office with the tranquility of mind which it requires, some local Ordinaries have earnestly petitioned the Holy See that some provision be graciously made to meet this difficulty, and at least that the copious apparatus of the Rubrics be reduced to a simpler form.

His Holiness Pius XII in his pastoral care and solicitude entrusted the examination of this matter to a special Commission of learned men who are charged with the restoration of the liturgy in general. This Commission, after a careful study of the entire subject, decided that the present Rubrics should be reduced to more convenient regulations, in such a way, however, that they could be put into practice keeping in the meantime the liturgical books as they are, until further provision is made.

When all this was referred to His Holiness by His Eminence the Cardinal Prefect of the S. C. of Rites, His Holiness deigned to approve the following arrangement of the Rubrics and ordered

[1] Ci. AAS, 44-48; Canon Law Digest, 3, p. 35. The date was 11 Jan., 1952.

that it be published, with the understanding that the provisions of this Decree are to go into effect on the first of January, 1956.

In the meantime the pontifical publishers of the liturgical books are to see to it that no change whatever is made in arranging whatever new editions may be made of the Roman Breviary and Missal.

All things to the contrary notwithstanding.

Given at Rome from the office of the S. C. of Rites, 23 March, 1955.

The Rubrics Reduced to a Simpler Form

Title I. *General Norms*

1. The ordinances which follow concern the Roman rite. Whatever is not mentioned here is unchanged.

2. The term calendar applies both to the calendar in use in the universal Church and to particular calendars.

3. The rules which follow are to be observed in both the public and private recitation of the divine Office, unless there is express provision to the contrary.

4. All particular induits and customs, even those worthy of special mention, if contrary to these ordinances, are to be considered as expressly revoked.

Title II. *Changes in the Calendar*

1. The grade and rite of semidouble is suppressed.

2. The liturgical days which are now marked in calendars as of the semidouble rite are celebrated in the simple rite, except the vigil of Pentecost, which is raised to the double rite.

a) Sundays

3. The Sundays of Advent and Lent, and those that follow up to Low Sunday, and also Pentecost Sunday, are celebrated as doubles of the first class, and outrank all feasts in both occurrence and concurrence.

4. When feasts of the first class occur on the second, third, or fourth Sunday of Advent, Masses of the feast are permitted, except the conventual Mass.

5. Sundays which have hitherto been celebrated in the semi-

double rite are raised to the double rite; but in the meantime the antiphons are not recited in the double form.

6. A Sunday Office and Mass which is impeded is neither anticipated nor resumed.

7. If on the Sundays *per annum* there occur a feast of any title or mystery of Our Lord, the feast itself takes the place of the Sunday, and the latter is merely commemorated.

b) Vigils

8. The privileged vigils are: the vigil of the Nativity of Our Lord and the vigil of Pentecost.

9. The common vigils are: the vigils of the feasts of the Ascension of Our Lord, the Assumption of the Blessed Virgin Mary, Saint John the Baptist, Saints Peter and Paul, Saint Lawrence. All other vigils, including those marked in particular calendars, are suppressed.

10. Common vigils, if they occur on a Sunday, are not anticipated but omitted.

c) Octaves

11. Only the octaves of Christmas, Easter, and Pentecost are celebrated; all others occurring either in the universal or in particular calendars are suppressed.

12. The days within the octaves of Easter and Pentecost are raised to the double rite, are preferred to all feasts, and do not admit of commemorations.

13. The days within the octave of Christmas, although they are raised to the double rite, are celebrated as at present.

14. On the days from the 2nd to the 5th of January, unless some feast occur, the Office is of the current *jeria* in the simple rite. In the Office the antiphons and psalms at all the Hours and the verse of the nocturn are of the current day of the week as in the psalter; the rest as on the first of January, excepting the lessons, which are said from the current Scripture with their responses, and the *Te Dcum* is said. The conclusion of the hymns and the verse in the short responsory at Prime are said as on Christmas. The Mass is the same as that of the first of January, without the *Credo* and without the special *Communicantes.*

Low votive Masses and low Masses *cotidianae defunctorum* are forbidden.

15. The days from the 7th to the 12th of January, since the octave of the Epiphany is suppressed, become *fcriac per annum (in the simple rite).* In the Office the antiphons and psalms at all the Hours and the verse of the nocturn are from the current day of the week as in the psalter; the rest as on the feast of the Epiphany, except the lessons, which are said from the current Scripture with their responses, and the *Te Deum* is said. The conclusion of the hymns and the versicle at Prime are from the Epiphany. The Mass is that of the Epiphany, without the *Credo* and without the special *Communicantes.*

Low votive Masses and low Masses *cotidianae dejunctorum* are forbidden.

16. On the 13th of January, the Commemoration of the Baptism of Our Lord is celebrated, in the major double rite. The Office and Mass are said as at present on the octave of the Epiphany.

But if the Commemoration of the Baptism of Our Lord occurs on Sunday, the Office and Mass are those of the feast of the Holy Family, without any commemoration.[1] On the preceding Saturday is placed the beginning of the First Epistle to the Corinthians.

17. The days from the .Ascension of Our Lord to the vigil of Pentecost exclusive are *fcriac tempore paschali (in the simple rite).* In the Office the antiphons and psalms at all the Hours and the verse of the nocturn are said from the current day of the week as in the psalter: the rest as on the feast of the Ascension of Our Lord, except the lessons, which are said from the current Scripture with their responses. The conclusion of the hymns and the verse at Prime are said from the feast of the Ascension; the Mass, from the same feast, without the *Credo* and without the special *Communicantes.*

Low votive Masses and low Masses *cotidianae dejunctorum* are forbidden.

On the vigil of Pentecost nothing is to be changed.

18. The days of the suppressed octaves of Corpus Christi and of the Most Sacred Heart of Jesus become *jeriae per annum.*

[1] That is, without the commemoration of the Baptism. The Sunday, however, is commemorated, according to Title III, n. 2. This is the commonly accepted interpretation Confirmation of this interpretation is had from S. C. Rit., *Baton.,* 17 Oct., 1955, *ad* 16, reported below under this same canon 2.

19. On the Sundays formerly within these octaves of the Ascension, Corpus Christi, and the Most Sacred Heart of Jesus, the Office is said as at present.

d) Feasts of the Saints

20. The feasts of the Saints which heretofore have been celebrated in the semidouble rite are considered as simple feasts.

21. The feasts of the Saints which heretofore have been celebrated in the simple rite are reduced to a commemoration, without any historical lesson.

22. On the *Jcrias* of Lent and of Passiontide, from Ash Wednesday to the Saturday before Palm Sunday, when any feast occurs which is not of the first or second class, the Office (if recited privately) and the Mass can be said either of the *jeria* or of the feast.

Title III. *Commemorations*

1. What is said here of commemorations applies both to the Office and to the Mass, in both occurrence and concurrence.

2. The commemorations which are never to be omitted and which have absolute precedence are:

Any Sunday;
A feast of the first class:
The *jcrias* of Lent and Advent;
d} The *jcrias* and Saturday of the Ember Days of September:
e) The Major Litanies.

3. Other commemorations which may occur are admitted provided the orations are never more than three.

4. In addition to and after the commemorations mentioned in n. 2, the arrangement regarding commemorations is as follows:

a) On Sundays of the first class, feasts of the first class, privileged *jcrias* and vigils, and moreover in high Masses or solemn votive Masses, no commemoration is allowed.

b) On feasts of the second class and on the other Sundays, only one commemoration is allowed.

c) On all other days, whether they be feasts or *jcrias,* only two commemorations are allowed.

5. Feasts that are commemorated no longer have: *a) in the Office,* a special verse in the short responsory at Prime and a special doxology in the hymns, excepting the days mentioned in Title II. nn. 14-17; *b) in the Mass,* the *Credo* and a special Preface.

Title IV. *Changes in the Breviary*

a) The Beginning and End of the Hours

1. The canonical Hours, in both public and private recitation, begin absolutely as follows, omitting the *Pater, Ave,* and (where it formerly occurred) the *Credo:*

Matins: with the verse *Domine, labia mca aperies;*

Lauds, the small Hours and Vespers: with the verse *Deus in adiutorium;*

Compline: with the verse *lube, domne, benedicere.*

2. In the Office of the last three days of Holy Week and in the Office of the dead, all the Hours begin as marked in the Breviary, omitting the *Pater,* Jve, and (where it formerly occurred) the *Credo.*

3. Similarly the canonical Hours, in both public and private recitation, end in the following manner:

Matins (in private recitation), Lauds, Terce, Sext, None, and Vespers: with the verse *Fidelium animae;*

Prime: with the blessing *Dominus nos benedicat;*

Compline: with the blessing *Benedicat et custodiat.*

b) The Conclusion of the Office

4. The daily course of the divine Office is concluded after Compline with the usual antiphon of the Blessed Virgin Mary, and the versicle *Divinum auxilium.*

The induit and the indulgences granted for the recitation of the prayer *Sacrosanctae,* are attached to this final antiphon.

c) Concerning Certain Parts in the Office

5. The hymns proper to the Office of certain Saints and assigned to certain Hours are not transferred. In the hymn *Iste Confessor,* the third verse is never changed but will always be: *Meruit supremos laudis honores.*

6. Antiphons at the *Magnificat* in *jerias* of the Septuagesima season, which may have been missed, are not resumed.

7. The *preces jcriales* are said only at Vespers and Lauds, in the Office of the Wednesdays and Fridays of Advent, Lent, and Passiontide, and of Wednesdays, Fridays, and Saturdays of the Ember Days, except those that occur during the octave of Pentecost, when the Office is from the *fcria*.

8. All the other *preces* are omitted.

9. The Suffrage of the Saints and the Commemoration of the Cross are omitted.

10. The Athanasian Creed is recited only on the feast of the Most Holv Trinity.

d) Other Changes

11. First Vespers (whether entire, or *a capitulo,* or by way of commemoration) pertain only to feasts of the first and second class and Sundays.

12. As regards the different parts of the Office, the following are to be observed:

σ) On Sundays and feasts of the first class — no change.

Z>) On feasts of the second class and double feasts of Our Lord and of the Blessed Virgin Mary, at Matins, Lauds, and Vespers, the Office is said as in the proper and common; at the small Hours, as in the psalter for the current *jeria* and in the proper; at Compline, as of Sunday.

c) On other feasts, vigils, and *jerias,* for all the Hours it is said as in the psalter and proper, unless in Matins, Lauds, and Vespers special antiphons and psalms are indicated.

13. The lessons from the current Scripture together with their responses, if they cannot be said on the day to which they are assigned, are omitted, even in the case of the "beginnings" of the various books.

14. On feasts of the Saints the lessons of the first nocturn, if none are specially designated, are taken from the current Scripture; if these are lacking, they are taken from the common.

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Title V. *Changes in the Missal*

a) The Orations

1. The orations assigned for various times are abolished.
2. In votive Masses for the departed, if they are sung, only

one oration is said: if they are not sung, three orations may be said.

3. The oration *Fidelium,* hitherto prescribed on the first free *fcria* occurring in any month or on Monday of any week, is abolished. In choir, on these *ferias,* the conventual Mass is said according to the Rubrics.

4. Collects, which are ordered by the Ordinary *simpliciter,* are omitted according to the Rubrics hitherto in effect, and moreover on all Sundays and whenever the Mass is sung; and finally also when the orations which are to be said according to the Rubrics have reached the number of three.

b) Certain Other Changes

5. On the *feriae per annum,* if the commemoration of some Saint is to be made, the Mass may be said at the option of the celebrant, either of the *fcria* or. *more festivo,* of the Saint who is commemorated.

6. In Masses for the departed the sequence *Dies irae* may be omitted, unless the Mass is that of the day of death or burial with the body present, or even not present for some reasonable cause, and excepting All Souls' Day. On this day, however, the sequence need be said only once, that is, in the principal Mass, otherwise in the first Mass.

7. The *Credo* is said only on Sundays and feasts of the first class, on feasts of Our Lord and of the Blessed Virgin Mary, on the natal feasts of the Apostles and Evangelists, on feasts of Doctors of the universal Church, and in solemn votive Masses which are sung.

8. The Preface to be said is the one which is proper to the Mass. If this is lacking, the Preface *de tempore* is said; otherwise, the common preface.

9. In all Masses the last Gospel is always the beginning of the Gospel according to Saint John, except in the third Mass of Christmas and in the Mass of Palm Sunday.

\AS 47-218; S. C. Rit., 23 March, 1955. Annotations, *Periodica,* 44-239 (Schmidt) ; Bugnini and Bcllocchio, *Commentarium ad Decretum de Rubricis ad Simpliciorem Formam Redigendis* (Bibliotheca *"Ephemerides Eiturgicae,"* Roma, Via Pompco Magno 21).

No Change in Text of Breviary and Missal (S. C. Rit., Declaration, 4 May, 1955) Private.

A Communication of the Sacred Congregation of Rites, published in *L'Osservatore Romano* for 4 May, 1955, and reprinted in *Periodica,* 44-238, is as follows:

The publication of the General Decree on the simplification of the Rubrics has led many priests to believe that a revision of the text of the Breviary and Missal is also imminent.

Notice is hereby given that such a revision will require several years; consequently not only the present Breviaries and Missals but also those which meanwhile may eventually be published from time to time, and which according to the Decree must conform in every respect to the present text, retain their practical value.

(Private); S. C. Rit., Communication, 4 May, 1955. Reported in *L'Osservatore Romano* for that date and in *Periodica,* 44-238.

Questions on the Simplified Rubrics (S. C. Rit., 2 June, 1955) AAS 47-418.

After the publication of the General Decree of 23 March, 1955,[1] ten questions were proposed to the S. C. of Rites. The questions with their replies were as follows:

1. Whether, on the days from the 2nd to the 5th of January and from the 7th to the 12th of the same month, the Mass for the departed can be celebrated in choir.

Reply: In the negative.

2. Whether, on the days of the suppressed octave of the Epiphany, in the ferial Office, the antiphons to be said at the *Benedictus* and *Magnificat* are those which are assigned for the various days within the octave.

Reply: In the affirmative.

3. On the Sundays formerly within the octaves of the Ascension, Corpus Christi and the Most Sacred Heart of Jesus, according to Title II, n. 19, the Office is said "as at present." But: *a)* what is the color of the vestments; *b)* what Preface is to be said?

Reply: On the Sunday within the suppressed octave of the

[1] Reported above in this volume under this same canon 2.

Ascension, the color of the vestments will be white, and the Preface that of the Ascension; on the Sundays within the suppressed octaves of Corpus Christi and the Most Sacred Heart of Jesus, the color of the vestments will be green, and the Preface that of the Most Holy Trinity.

4. Whether the number of commemorations mentioned in Title HI, n. 4, c), *b)* and *c)* is to be understood in the sense that the commemorations which are allowed are always made "in addition to and after" the commemorations which are never to be omitted.

Reply: In the negative according to Title III, n. 3, as to not exceeding three orations.

5. Whether the feasts that are commemorated according to Title HI, n. 5, still have in the Office a ninth historical or Gospel lesson.

Reply: In the negative.

6. Whether a feast of any title or mystery of Our Lord, which occurs on a Sunday, gets a first Vespers.

Reply: In the affirmative, because it takes the place of the Sunday.

7. Regarding the Office of S. *Mariae in Sabbato:* is it reduced to a commemoration?

Reply: In the negative.

8. What antiphon is to be said at Vespers of Friday during paschal time, when the Office of the following day is of the Blessed Virgin or of some feast which has no first Vespers?

Reply: The antiphon of the second Vespers of the preceding Sunday is to be said.

9. As to solemn votive Masses: do the Rubrics remain in force which prescribe that when the Masses are impeded their commemoration be made under one conclusion with the oration of the day?

Reply: In the affirmative if the oration is prescribed as a precept; in the negative if the oration is allowed to be said *ad libitum*. But during the Forty Hours' Devotion or on the occasion of Expositions of the Blessed Sacrament which may be made during the year, the oration of the Blessed Sacrament is always to be said in all those Masses, and those only, which are celebrated at the altar of exposition.

10. Whether, according to Title V, n. 4, the collects which are

ordered by the Ordinary *simpliciter,* are omitted when the orations to be said have reached the number of three.

Reply: The collects ordered by the Ordinary *simpliciter* are omitted when the orations, together with the collects, have reached the number of three.

AAS 47—118; S. C. Rit., Replies to Questions, 2 June, 1955. Annotations, *Periodica,* 44-430 (Schmidt).

Questions on the Simplified Rubrics (S. C. Rit., *Baton.,* 17 Oct., 1955) Private.

After the publication of the general decree of 23 March, 1955, and the questions with their replies given on 2 June, 1955,[1] another set of questions was presented to the S. C. of Rites by the Bishop of Bayonne. The questions with their replies were as follows.

1. On Sundays *per annum* at the *Benedictus* and at the *Magnificat,* on the Sundays in Advent at the psalms for Lauds and Vespers, on the Sundays of Lent and Passiontide *(sc.,* at the psalms for Lauds), on the Sundays of the Paschal season and on the Sunday after the Ascension and the 2nd and 3rd Sundays of Pentecost, must the antiphons be doubled?

Reply: The antiphons *may be* doubled but they do not *have to be.*

2. In high Masses of any kind, according to the cited decree. *tit.* III, 4, a, must commemorations of whatever kind be omitted, save those mentioned in the same decree *tit.* III, 2, as well as the orations for the anniversaries of the Supreme Pontiff, the Bishop, and one's own ordination to the priesthood or for the Blessed Sacrament when exposed for a public cause? Should conventual Masses, even though said as low Masses by reason of induit or other cause, as well as low Masses of ordination, the consecration of a bishop, and others of this kind be equated in the case with high Masses? And in the case what about collects ordered *pro re gravi?*

Reply: In high Masses commemorations beyond those listed in *tit.* III, 2, are omitted.

[1] Both documents reported above in this volume under this same canon 2.

Orations prescribed by the rubrics for the anniversary of the Pope or the Bishop or when the Blessed Sacrament is publicly exposed take second place to the above-mentioned commemorations[2]3but take precedence over other orations which perchance must be made. However, the number of three is never to be exceeded and, in the case, the oration ordered *pro re gravi* is always to be said and the last of the preceding orations is to be omitted.

The oration on the anniversary of one's own ordination is a votive or optional oration and is subject to the common rubrics.'

Low Masses by whatever title must always be considered low Masses and follow the rubrics for low Masses.

3. In order that the number of three may not be exceeded, which orations or commemorations are to be omitted if, in the same Mass, in addition to the occurring commemorations, should be said the orations for the anniversary of the Pope or the Bishop, or when the Blessed Sacrament is exposed, or when ordered *pro re gravi?* Is it true that the orations mentioned must be added, even though the number of three is exceeded?

Reply: The number of three orations under whatever title obliges strictly. After the orations mentioned in *tit.* Ill, 2, preference is given to the orations, if any occur, which are otherwise prescribed by the rubrics for special occasions (the anniversary of the Pope, Bishop, etc.); then are made the commemorations of the day, observing the number of three. All orations of whatever kind which exceed this number should be omitted.

4. In a low Mass of a *jcria* or a simple feast or a private votive Mass, is it still allowed to add orations until the number of five is reached, and among them also the oration *pro defunctis,* in accord with *Rub. noviss. Missalis, tit.* VI, 6?

Reply: The number of three obliges strictly and can never be exceeded.

5. On a feast which is a double of the first or second class but not of Our Lord, if a Sunday occurs from the 2nd to the 5th of January, must a commemoration of that Sunday be made in the Office and in the Mass? How?

Reply: The commemoration of the Sunday can never be omitted and is made at both sets of Vespers, Lauds, and Mass.

2 *Sc., tit.* Ill, 2 — Translator's note.
3 5c., *Addit, et Variat. Missalis, tit.* VI, 3 — Translator's note.

6. In a conventual Mass of Requiem which must or may be celebrated according to *Rub. noviss. Missalis, tit.* III, nn. 2 et 3, which is the one oration which must be said in keeping with the decree of 23 March, 1955, *tit.* V, n. 2?

Reply: The oration should be said according to the judgment of the competent ecclesiastical superior, either for all the faithful departed or for departed who have been definitely designated.

7. What is to be understood by *votive Masses for the departed* mentioned in the same decree, *tit.* V, n. 2? Are not all Masses for the departed votive, except those on the Commemoration of All the Faithful Departed?

Reply: Votive Masses for the departed are those which do not have to be said by virtue of the rubrics as do the Commemoration of All the Faithful Departed, the funeral Mass, or the anniversary of the departed. In other words, they are the *quotidianae* Masses.

8. On *ferias* of Lent and Passiontide as well as on the vigil of the Ascension, which Preface, the *de tempore* or the common, is to be used in the conventual Mass of the occurring feast which must be celebrated without a commemoration of the *fcria?*

Reply: The Preface *de tempore* must be said.

9. In the Mass of a feast celebrated on a Sunday *per annum* should the common Preface or that of the Trinity be said, even if the Sunday is not commemorated?

Reply: On a feast celebrated on Sunday, the Preface proper to the Mass, if any, should be used; otherwise, the common. The Sunday must always be commemorated.

10. On *ferias* from the 2nd to the 12th of January are the conventual votive Masses mentioned in *Rub. gen. Missalis, tit.* IV, n. 3 prohibited?

Reply: If the Masses are celebrated solemnly or with chant, votive Masses *(Miss. Rom., Rub. gen., tit.* IV, 3) are permitted; if said as low Masses, they are forbidden.

11. When the Major Litanies occur within the octave of Easter or on Low Sunday, is a commemoration of them to be made at Mass in accord with *tit.* III, n. 2 of the new general decree, notwithstanding *tit.* II, n. 12?

Reply: Commemoration of the Major Litanies (April 25) is always to be made when they occur or when the procession is to be made.

12. Is the decree of 23 March, 1955, *tit.* II, n. 13 so to be understood that also the feasts occurring within the octave of Christmas should be celebrated as before, *sc.,* v.g., with first Vespers of the feasts of St. Thomas and St. Sylvester, the Sunday psalms in the little Hours of second class feasts, the Preface of the Nativity, all commemorations, even when they exceed the number of three, etc.?

Reply: In the octave of Christmas, the feasts or days celebrated in the universal Church are to be celebrated in exactly the same way as they are in the Roman Breviary and Missal, excepting that the number of three must always be used.

13. Is the common Preface now to be used at Mass on the feasts of Corpus Christi and the Transfiguration of Our Lord as well as of the Supreme Pontiffs?

Reply: In the affirmative.

14. When a double of a second class feast or a double major feast of Our Lord occurs on Sunday, how are the little Hours to be ordered, namely, by taking the psalms and antiphons from the psalter with the first psalm being 117. or taking the antiphons proper to Lauds of the feast with 53 as the first psalm?

Reply: The psalms should be taken from Sunday itself (not as on feasts).

15. Do first Vespers of feasts which are doubles of the first or second class prevail over the Vespers of Ash Wednesday? And, in as much as they do not, should a commemoration of the double of the second class feast be made at second Vespers of the said *Jcria?*

Reply: Ash Wednesday of itself does not have second Vespers.

16. When the feast of the Holy Family occurs on January 13, is a commemoration of the Sunday to be made, notwithstanding the decree of 23 March, 1955, *tit.* II, n. 16 where it is said that the said feast should be kept "without any commemoration"?

Reply: "Without any commemoration" is to be referred to the commemoration of the Baptism of Our Lord.

17. Is nothing still to be done about a duplex feast even when it perpetually occurs on a feast, e.g., of the Patron or Titular, or about a feast of Our Lord occurring on Sunday?

Reply: Nothing new is to be introduced.

18. At Matins on the feasts of St. Peter in Chains and of the Beheading of St. John the Baptist, should the antiphons and

psalms be taken from the Common of Apostles and of one martyr respectively as heretofore, or rather from the current *Jcria,* inasmuch as they do not enjoy proper antiphons except at Lauds and Vespers just as on the feasts of SS. John and Paul (June 26), St. Clement (Nov. 23), and St. Lucy (Dec. 13)?

Reply: Antiphons and psalms from the current *Jcria.*

19. On the 2nd, 3rd, and 4th Sundays of Advent, may the proper Mass of the Solemnity of the Patron be celebrated with chant in France as decreed by Cardinal Caprara in 1804 as well as decree n. 3754 and others more recent, just as, according to the decree of 23 March, 1955, *tit.* II, n. 4, a Mass of a double of the first class, when it occurs, is permitted?

Reply: The privilege or Constitution on feasts from Cardinal Caprara remains in force.

20. In the Office of St. George, Martyr (April 23) which has now been reduced to the simple rite, should not that be taken as the third lesson at Matins which heretofore was read as the fourth, namely, from the second Common of one martyr just as has been heretofore done on the simple feast of St. Valentine (Feb. 14) as set down in *Rub. noviss. Breviarii, tit.* I, n. 6?

Reply: All three lessons are from the current scripture.

21. What about proper hymns, those especially which necessarily pertain to the integrity of the history (cf. Deer. n. 4262. ad IV) and which arc perpetually impeded, such as in the now abolished first Vespers of certain feasts either in the Roman Breviary or in diocesan Propers?

Reply: Proper hymns, even "historical," are never transferred to other Hours, but are said just as they stand in each case.

22. When the feast of Our Lord Jesus Christ, King, concurs with the feast of All Saints, now stripped of its octave, which takes precedence?

Reply: The feast of All Saints as a "day-of-rest" feast *(feriatum)* takes precedence.

23. What about the Office of SS. Sergius and Companions, Martyrs (Oct. 7), whose commemoration is perpetually impeded according to the decree of 23 March, 1955, *tit.* Ill, n. 4, b?

Reply: The remembrance of the said Saints is omitted.

24. If the feast of St. Peter the Apostle is had or commemorated on a Sunday, should the commemoration of St. Paul

be omitted since only one commemoration may be made on Sundays?

Reply: The oration of St. Paul on feasts of St. Peter, and *vice versa,* is to be considered as only one with the oration of the feast.

25. As long as *tit.* II, n. 18 of the decree of 23 March, 1955, suppressing the octave of Corpus Christi stands, what about the prescriptions in the *Caercmoniale Episcoporum, lib.* II, cap. XXX, nn. 33 et 34 regarding the exposition and procession with the Blessed Sacrament which heretofore were prescribed during the octave and on the octave day of the same feast?

Reply: A special statement on this matter will be forthcoming.

26. Is the feast of the Blessed Virgin Mary, Queen, a primary or secondary feast?

Reply: Of its nature it is a secondary feast of the Blessed Virgin Mary.

(Private); S. C. Rit., *Baton.,* 17 Oct., 1955. Reported in *Ephemerides Liturgicae,* 70 (1956) 248. Annotations in *Ephemerides Liturgicae,* 70 (1956) 262.

Questions on the Simplified Rubrics (S. C. Rit., *Romana,* 3 Nov., 1955) Private.

After the publication of the general decree of 23 March, 1955, besides the questions with their replies on 2 June, 1955, and 17 October, 1955,[1] another set of questions was presented by the Director of the Pontifical Liturgical Academy to the S. C. of Rites. The questions with their replies were as follows.

1. Since the general decree "On Reducing the Rubrics to a Simple Form" of 23 March, 1955, only the Sundays of Advent, Lent, and others up to Low Sunday as well as Pentecost Sunday are listed to be celebrated as doubles of the first class *(tit.* II, 3), but the rest as doubles *(ibid.,* 5), it is asked:

Whether Septuagesima, Sexagesima, and Quinquagesima Sundays should be inscribed in the Calendar:

Viol. Dom. Septuagesimae (or other), 2 cl., De ea, dupl.

or rather:

Viol. Dom. Septuagesimae (or other), De ea, dupl. 2 cl.

[1] All these documents are reported above in this volume under this same canon 2.

Reply: In the negative to the first part; in the affirmative to the second.

2. The same decree stipulates that the antiphons are not to be doubled in the Office of Sundays heretofore celebrated in the semi-double rite but in the double rite in the future *(tit.* II, 5). Likewise it prescribes that the days within the octave of Christmas should be celebrated "as at present," even though they have been raised to the double rite *(ibid.,* 13). It similarly orders that nothing is to be changed on the Vigil of Pentecost *(ibid.,* 17), even though it has been raised to the double rite *(ibid.,* 2). Nothing, however, is said about the antiphons in the Office for the octaves of Easter and Pentecost.

Question: Within the octaves of Easter and Pentecost, and especially from Wednesday to Saturday, which days have been raised to the double rite *(ibid.,* 12), are the antiphons before the psalms at Matins, Lauds, and Vespers to be doubled or not?

Reply: They *may be* doubled, but they do not *have to be.*

3. The general decree states: "Days within the octave of Christmas, although they are raised to the double rite, are celebrated as at present" *(tit.* II, 13).

Question: Must this be understood with regard to the exclusion of all the new prescriptions of the decree in question so that, e.g., the Sunday occurring from the 25th to the 28th of December must be postponed as was heretofore done; the feast of St. Stephen, Protomartyr, must be commemorated in the second Vespers of Christmas; doubles of the second class retain the Sunday psalms at Prime, Terce, Sext, and None; the feasts of SS. Thomas. Ep.M., and Sylvester I, P.C., have first Vespers or by way of commemoration only: the beginning of the epistle to the Romans set for the 29th of December must be transferred if it is impeded?

Reply: In the affirmative.

4. On the days from the 2nd to the 5th and from the 7th to the 12th of January, likewise on the days formerly within the octave of the Ascension of Our Lord and the following Friday, if no feast occurs, in place of the Mass of the current Office, is it permitted to celebrate with chant as the conventual Mass the votive Mass assigned to the *feria,* or. if some commemoration occurs, the Mass conforming to this commemoration?

Reply: Tn the affirmative.

5. In the second Mass on Christmas there has heretofore been a commemoration of St. Anastasia, M., by reason of the station. Is this commemoration to be made in the future as it is now, notwithstanding the prescription of the decree which excludes commemorations on doubles of the first class *(tit.* Ill, 4, a)?

Reply: In the affirmative.

6. The general decree, after listing the commemorations which are never to be omitted and which have absolute precedence, states: "On Sundays of the first class, feasts of the first class, privileged *ferias* and vigils, and moreover in high Masses or solemn votive Masses, no commemoration is allowed" *(tit.* Ill,

Questions: *a)* On *ferias* of Lent, Passiontide, and the Ember Days outside of the octave of Pentecost and on common vigils, if there occurs a double major or minor feast and only one Mass, the conventual, is had, in this Mass, which is of the *fcria* or the vigil *(Rub. gen. Missalis; Addit, et Variat., tit.* I, 4), whether celebrated as a high or even as a low Mass but, from several decrees of the Sacred Congregation of Rites, equated with a solemn Mass as far as commemorations are concerned, is the commemoration of the feast whose Office is recited to be therefore omitted, or rather must it be made?

b) What is to be done if on the same day a double of the second class and a common vigil occur and only one Mass, the conventual, is had? In this Mass, which is of the feast *(Rub. gen. Missalis; Addit, et Variat., tit.* I, 4), either high or low, is the commemoration of the vigil to be omitted, or rather to be included?

c) Finally, when a minor *fcria* occurs, what is to be done if one of the votive Masses is sung in choir or read as the conventual Mass? Is the commemoration of the *fcria* whose Office is said *(sc.,* the prayer of the preceding Sunday) to be omitted?

Reply: The general decree is to be abided by: in high Masses: in the negative: in low' Masses: in the affirmative.

7. According to the aforementioned general decree *(tit.* IV, 5), the hymns proper to the Office of certain Saints and assigned to certain Hours are not transferred.

Question: Is the same arrangement to be extended to proper antiphons, e.g., antiphons which are assigned to first Vespers of

the Holy Family, or St. Joseph, or St. John the Baptist, and which are impeded?

Reply: In the affirmative.

S. In virtue of the same general decree *(tit.* IV, 11), double major and minor as well as simple feasts do not have first Vespers.

Question: If a commemoration of such a feast is to be made, should the antiphon and verse be taken from first Vespers so as to avoid identity of texts (cf. *Rub. gen. Brcv., tit.* IX, 8), or rather from other Hours which the Offices to be commemorated may enjoy?

Reply: In the affirmative to the first part; in the negative to the second.

9. As is stated in the general decree, doubles which are not of the first or second class or Sundays, do not have first Vespers *{tit.* IV, 11). But then if the special nature of the Office of the Commemoration of All the Faithful Departed is attended to. *sc.,* up to the present it has no second Vespers and is completely concluded with None, it is asked:

In the same Office, should the Vespers with accompanying Compline of the Departed be celebrated after second Vespers of All Saints as at present, or at Vespers on November 2nd?

Reply: In the negative to the first part; in the affirmative to the second.

10. The Solemnity of St. Joseph, Spouse of the Blessed Virgin, Confessor, and Patron of the Universal Church, which heretofore was celebrated on Wednesday of the second week after the octave of Easter, is listed among the day-of-rest feasts *(feriatum) (Brcv. Rom.,* 1 tab., excerpta c Rub. gen. iuxta Constit. *Divino afflatu* reform.).

Question: Is this day-of-rest character *(fcriatio)* attached to the recently instituted feast of St. Joseph the Workman celebrated on May 1?

Reply: In the negative.

11. Does the aforesaid feast of St. Joseph the Workman have the note of a primary feast so that it impedes the celebration of a funeral Mass and, in Italy and the adjacent islands, is it to be preferred in the concurrence of first Vespers, according to *Rub. gen. Brcv. (Addit, ct Variat., tit.* II, 1), to the feast of St. Catherine of Siena, V., primary patroness of the country; or

rather does the feast of St. Joseph the Workman have the note of a secondary feast?

Reply: In the negative to the first part; in the affirmative to the second.

12. Likewise, does the recently instituted feast of the Blessed Virgin Mary, Queen, have the note of a primary or a secondary feast?

Reply: In the negative to the first part; in the affirmative to the second.

13. Do the norms set down in *Rub. gen. Missalls (Addit, et Variat., tit.* VI, 6 et *tit.* II, 10) regarding the orations which may be said at the option of the celebrant retain their force after the general decree, and, inasmuch as they do not, how should they be reformed?

Reply: In the affirmative; cautiously, however, lest the number of three orations be exceeded.

14. According to the general decree, on lesser *jcrias,* if a commemoration of some saint occurs, "the Mass may be said at the option of the celebrant, either of the *feria,* or, *more festivo,* of the saint who is commemorated" *(tit.* V, 5). Since heretofore the selection of the conventual Mass has never been left to free choice, with the exception of lesser *ferias* on which it often was and is permitted to select one of the votive Masses assigned to the individual *ferias,* it is asked:

On the aforementioned *fcrias* is the conventual Mass to be celebrated that of the *feria,* or can a votive Mass assigned to the *feria* be celebrated, or rather must the Mass of the saint who is commemorated be celebrated?

Reply: *Per se* the Mass of the *feria* should be celebrated as the conventual Mass. However, the other Masses are permitted.

15. In the general decree *(tit.* V, 8) it is said: "The Preface to be said is the one which is proper to the Mass. If this is lacking, the Preface *de tempore* is said; otherwise, the common Preface."

Question: Is *proper Preface* to be interpreted strictly, or should *proper* be interpreted in a somewhat broad sense so that the Preface heretofore prescribed should be used in the future in the Masses of the feasts of Corpus Christi, the Transfiguration of Our Lord, the Evangelists and Popes (not excluding their commemoration which in some places is celebrated on July 3),

as well as in the respective votive Masses—if they may be celebrated — and in the Masses of Our Lord Jesus Christ, the Eternal High Priest, and the anniversary of the election and coronation of the Pope?

Reply: The general decree is to be interpreted strictly.

16. As was asserted in the preceding question, "The Preface to be said is the one which is proper to the Mass. If this is lacking, the Preface *de tempore* is said; otherwise, the common Preface" *(tit.* V, 8).

Question: In Lent, Passiontide, and on the days of the Litanies, if the conventual Mass or a high Mass of the feast or a high votive Mass lacks a proper Preface, is the Preface *de tempore* to be used if the conventual or high Mass is had on a *feria,* a commemoration of which in the case is to be omitted, or rather is the common Preface to be used in accord with the Missal rubrics now in force *(Addit, et Variat., tit.* V, 4 et 5)?

Reply: The decree is to be observed strictly.

17. Do the norms set down for the Preface by the general rubrics of the Missal *(Addit, et Variat., tit.* V, 5) remain in force after the general decree so that on the days from the 2nd to the 5th and from the 7th to the 12th of January, the Paschal season and, what may be called, Ascensiontide, the Preface *de tempore* is to be used in only one of the high or conventual Masses as is prescribed in the place cited?

Reply: The decree is to be observed strictly.

18. On Sundays which according to the general decree *(tit.* II, 3) have been raised to the rank of doubles of the first class, are collects ordered by the Ordinary *pro re gravi* to be omitted according to *Rub. gen. Missalis (Addit, ct Variat., tit.* VI, 4)?

Reply: In the affirmative.

19. The S. C. of Rites in its decree of 2 June, 1955, resolving doubts declares that collects ordered by the Ordinary *simpliciter* are to be omitted when the orations, together with the collects, have reached the number of three (ad X). However, since in the same decree the same S. C. of Rites stresses the limitation of orations at Mass to the number of three (ad IV), it is asked:

Whether the collects ordered by the Ordinary *pro re gravi* are to be omitted whenever, together with them, the number of three orations is reached?

Reply: The number of three is never to be exceeded; in the

case, in place of the third oration, let the oration ordered by the Ordinary *pro re gravi* be said.

(Private); S. C. Rit., *Romana,* 3 Nov., 1955. Reported in *Ephemerides Liturgicae,* 70 (1956) 44 with some annotations. Other annotations in *Ephemerides Liturgicae,* 70 (1956) 262.

Solemn Triduums and Novenas: Ordinances for Mass and Office (S. C. Rit., Instruction, 1955) Private.

An Instruction of the Sacred Congregation of Rites, undated but current at the end of 1955, entitled: "Regarding privileges which are usually granted by rescript of the S. C. of Rites in the celebration of triduums or novenas on the occasion of some extraordinary solemnity in honor of some Mystery, or of the Blessed Virgin Mary or of Saints or Blessed," is as follows:

I. In the celebration of solemn services of three or eight days, which are permitted on the recurrence of some solemn festivity, all Masses of the festivity itself, because of the special occasion, are said with *Gloria* and *Credo,* and with the last Gospel of Saint John, unless according to the Rubrics some other Gospel is to be read.

II. A solemn or high Mass, where another Mass of the current Office is celebrated, is to be said with one oration: otherwise, only commemorations of a double of the second class and all others which are permitted on doubles of the first class, are permitted. Low Masses are to be said with all the commemorations which occur, but without the orations *de tempore* or *imperatae.* As to the Preface, the Rubrics of the Missal and the Decrees are to be observed.

III. A high Mass is impeded only by doubles of the first class, Sundays of the first class and privileged *ferias,* vigils and octaves which exclude the aforesaid doubles. Low Masses are impeded, moreover, by doubles of the second class, Sundays of the second class, and *ferias,* vigils, and octaves which exclude doubles of the first and second class. In these cases of impediment, the Masses are to be said of the current feast or Sunday, or of the other privileged days above mentioned, according to the rite of the day, with a commemoration of the solemnity which is being celebrated, and this under one conclusion with the first

oration. This commemoration is omitted, however, if there occur a primary double of the first class of Our Lord for the universal Church, except Monday and Tuesday of Easter and Pentecost, wherein this commemoration is permitted.

IV. In churches where there is an obligation of celebrating any conventual Mass, it is never to be omitted.

V. If Pontifical functions of the Masses of the solemnity are performed at the Throne, not Terce but None is to be sung while the Bishop is vesting; and this Hour is always from the Office of the solemnity. It cannot be substituted for the Hour of None of the current day for fulfilling the obligation of the divine Office.

VI. Even though ail Masses, or private Masses only, be impeded, it is nevertheless always allowed to perform the solemn second Vespers of the special festivity, without any commemoration; but these \respers of the festivity cannot serve to fulfill the obligation of the Office.

VII. With the consent of the Ordinary, other ecclesiastical functions besides those mentioned may always be held, for example a homily at Mass or a panegyric in the evening, prayers suitable to the festivity, and especially solemn Benediction with the Most Blessed Sacrament. On the last day of the triduum or novena, the *Tc Deum,* with the versicles *Benedicamus Patrem, Benedictus es, Domine, exaudi, Dominus vobiscum,* and the prayer *Deus cuius misericordiae* with its conclusion, is never to be omitted before the *Tantum ergo* and the prayer of the Most Blessed Sacrament.

(Private); From the Secretariate of the Sacred Congregation of Rites; undated, hut given out in 1955 with rescripts for special celebrations.

Questions on the Simplified Rubrics (S. C. Rit., 8 May, 1957) Private.

The following questions were proposed by the editor of the Calendar for the Colombia Province of the Society of Jesus. The replies of the Sacred Congregation are given after each question.

1. Whether on the Vigil of the Nativity of Our Lord the proper antiphons and the Sunday psalms are to be retained for the small hours.

Reply: In the affirmative.

2. Whether the commemoration of the octave of the Nativity is to be omitted in sung Masses.

Reply: In the negative.

3. Whether the Sunday within the octave of the Nativity admits three orations.

Reply: In the affirmative.

4. Whether, on the feast of the Most Holy Name of Jesus or any other which might in some locality be celebrated on the Sunday from 2-5 January, the Sunday should be commemorated with the orations which were formerly used in the suppressed Vigil of the Epiphany.

Reply: In the affirmative.

5. In the Mass of the Major Litanies, which is sometimes celebrated before the procession within the octave of Easter: (fl) whether the *Credo* is to be said; (Z>) whether the *Communicantes* and *Hanc igitur* of the octave are to be used.

Reply: To (fl), in the negative; to (/>), in the affirmative, *ratione temporis.*

6. Whether in that Mass of the Major Litanies which is sung before the procession within the octave of Easter, the commemoration of the octave is omitted.

Reply: If there is question of only one Mass, in the negative: otherwise, in the affirmative.

7. Whether the law of not exceeding two orations on Sundays and doubles of the II class obliges as strictly as docs the law concerning three orations.

Reply: In the affirmative.

8. In the case of exposition for a public reason, whether precedence is to be given to the oration of the Most Blessed Sacrament or to that for the anniversary of the Pope or of the Bishop.

Reply: The oration for the Pope or for the Bishop has precedence.

9. Whether in sung Masses the oration of the Most Blessed Sacrament (in the case of exposition for a public reason) is to be omitted.

Reply: In the negative, but the oration is to be said under one conclusion with the oration of the Mass.

10. Whether in sung Masses the oration for the anniversary of the Pope or of the Bishop is to be omitted.

Reply: In the negative, but the oration is to be said under one conclusion with the oration of the Mass.

11. Whether in sung Masses the *collecta* ordered by the Bishop *pro re gravi* are to be omitted.

Reply: In the affirmative.

12. Whether on Sundays *infra annum,* if a feast is celebrated which has no Preface, the Preface of the Trinity or the common Preface is to be said.

Reply: The Preface of the Trinity is to be said.

13. What Preface is to be used in the Mass of Our Lord Jesus Christ, Eternal High Priest?

Reply: The common Preface is to be used.

14. What Preface is said on the feast of the Purification of the Blessed Virgin Mary?

Reply: The Preface of the Nativity is said, as noted in the Missal.

15. What Preface is said in the Masses of Saint Mark and of Saint Luke, Evangelists?

Reply: The Preface of the Apostles is said, as noted in the Rubrics of the Missal.

16. Whether, in the Office of All the Faithful Departed, November 2, if it happens to be celebrated on a Saturday, there should be a commemoration of the Saturday Vespers, which belong to the Sunday Office.

Reply: In the affirmative.

All things to the contrary notwithstanding. May 8, 1957.

(Private) ; S. C. Rit., 8 May, 1957. From the authentic rescript (S. 69/957).

Holy Week: Liturgical Order Definitely Restored (S. C. Rit., General Decree and Instruction, 16 Nov., 1955) AAS 47-838.

A General Decree entitled "The Liturgical Order of Holy Week Is Restored," and an Instruction, entitled "The Correct Use of the Restored Order of Holy Week," were issued by the S. C. of Rites on November 16, 1955.

GENERAL DECREE

The Liturgical Order of Holy Week Is Restored

From apostolic times Holy Mother Church has taken care each year to celebrate the principal mysteries of our Redemption, namely the passion, death and resurrection of Our Lord Jesus Christ, with an absolutely singular commemoration.

At first the supreme moments of these mysteries, those of "the crucified, buried and risen" Christ (St. Augustine, Ep. 55. 14), were recalled in a special three-day period. Soon a solemn commemoration of the institution of the Most Holy Eucharist was added. Finally, on the Sunday immediately preceding the passion, a liturgical celebration of the triumphant messianic entry of Our Lord and King into the Holy City was added. Thus there arose a special liturgical week which, by reason of the greatness of the mysteries celebrated, was designated as "Holy" and was enriched with exceptionally complete and sacred ceremonies.

In the beginning these rites were performed on the same days of the week and at the same hours of the day that the sacred mysteries occurred. Thus the institution of the Holy Eucharist was recalled on Thursday evening by the solemn Mass of the Lord's Supper. On Friday there was a special liturgical function in the hours after noon, recalling the Lord's passion and death. Finally, on Holy Saturday night there began a solemn vigil which ended the following morning with the joy of the resurrection.

During the middle ages they began, for various pertinent reasons, to set an earlier time for the performance of liturgical services on those days, so that toward the end of that period all of these liturgical services had been transferred to the morning. This did not take place without detriment to the liturgical meaning, nor without causing some confusion between the Gospel narratives and the liturgical ceremonies attached to them. The solemn liturgy of the Easter vigil in particular lost its original clarity and the meaning of its words and symbols when it was torn from its proper nocturnal setting. Moreover, Holy Saturday, with too early a recollection of the Easter gladness intruding into it, lost its original character as a day of mourning for the burial of the Lord.

In more recent times another change, very serious from the pastoral point of view, took place. For many centuries, Thursday,

Friday, and Saturday of Holy Week were holy days of obligation, so that the Christian people, freed from servile works, could be present at the ceremonies taking place on those days. But in the course of the seventeenth century the Roman Pontiffs themselves were compelled, because of the complete change in the conditions of social life, to reduce the number of the holy days of obligation. And so Urban VIII was compelled in his Apostolic Constitution, *Universa per orbem,* of September 24, 1642, to declare that the last three days of Holy Week were no longer holy days of obligation, and to classify them as working days.

Hence the attendance of the faithful at these ceremonies necessarily decreased, especially because the services had long been moved back to the morning hours, when schools, factories, and public business of every kind are usually open and functioning on working days throughout the world. As a matter of fact, common and almost universal experience shows that these solemn and important liturgical services of the last three days of Holy Week are often conducted by the clergy in church buildings that are almost deserted.

This is certainly to be regretted, since these liturgical services of Holy Week are endowed not only with a singular dignity, but also with a special sacramental force and efficacy for nourishing Christian life.

Nor can there be proper compensation for the loss of these liturgical functions through those pious devotional exercises which are usually called extra-liturgical and which are performed in the afternoon hours of these three days.

For these reasons during recent years experts on the liturgy, priests having the care of souls, and especially the Bishops, have sent earnest petitions to the Holy See begging that the liturgical functions of the last three days of Holy Week be restored to the hours after noon, as formerly, so that all the faithful might more easily be present at these services.

After carefully considering the matter, Pope Pius XII restored the liturgy of the sacred vigil of Easter in 1951. The celebration was to be held at the discretion of the Ordinary and as an experiment.

This experiment was highly successful everywhere, as many Ordinaries reported to the Holy See. These same Ordinaries also renewed their petitions for a liturgical restoration for the other

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days of Holy Week, asking that the sacred functions be moved back to the evening hours as had been done in the case of the Easter vigil. Moreover, evening Masses, provided for in the Apostolic Constitution, *Christus Dominus,* of January 6, 1953, were being said everywhere and were attended by many. With all these things in mind Pope Pius XII commanded the Commission for the Restoration of the Liturgy established by him to examine the question of restoring the Order of Holy Week and to propose a solution. After obtaining that answer, His Holiness decreed, as the seriousness of the affair demanded, that the entire question be subjected to a special examination by the Cardinals of the Sacred Congregation of Rites.

The Cardinals gathered in an extraordinary session at the Vatican on July 19 of this year. They considered the matter thoroughly and voted unanimously that the restored Ordo of Holy Week be approved and prescribed, subject to the approval of the Holy Father.

After all this had been reported in detail to the Holy Father by the undersigned Cardinal Prefect, His Holiness deigned to approve what the Cardinals had decided.

Hence, by special mandate of the same Pope Pius XII, the Sacred Congregation of Rites has decreed the following:

I. The Restored Ordo of Holy Week Is Prescribed

1. Those who follow the Roman rite are bound in the future to follow the Restored Ordo for Holy Week set forth in the original Vatican edition. Those who follow other Latin rites are bound to follow only the time established in the new Ordo for the liturgical services.

2. This new Ordo must be followed from March 25. the second Sunday of Passiontide or Palm Sunday, 1956.

3. Throughout all of Holy Week no commemoration is admitted, and in the Mass *orationes imperatae,* no matter how they may have been ordered, are also forbidden.

II. On the Proper Hours for the Celebration of the Sacred Liturgy of Holy Week

On the Divine Office

4. On the second Sunday of Passiontide or Palm Sunday, and on Monday, Tuesday, and Wednesday of Holy Week the divine Office is said at the usual hours.

5. During the Sacred Triduum, that is on the Thursday of the Lord's Supper, on Friday of the Lord's passion and death, and on Holy Saturday, the following rules are to be observed if the Office is said *in choir* or *in common:*

Matins and Lauds are not anticipated but are recited in the morning at the proper time. However, in churches where the Mass of the Chrism is being said on Holy Thursday morning, the Matins and Lauds of Holy Thursday can be anticipated.

The little Hours are said at the proper time.

Vespers are omitted on Thursday and Friday, when the principal liturgical functions of those days take their place. On Holy Saturday, however, they are said after noon at the accustomed hour.

Compline is said after the evening liturgical functions on Thursday and Friday. On Holy Saturday it is omitted.

In *private recitations* of the Office on these three days, all the canonical Hours should be recited according to the Rubrics.

On the Mass or the Principal Liturgical Function

6. On Palm Sunday the solemn blessing and the procession of the palms are held in the morning at the accustomed hour. Where the Office is said in choir, the proper time is after Terce.

7. On the Thursday of the Lord's Supper the Mass of the Chrism is celebrated after Terce. The Mass of the Lord's Supper, however, is celebrated in the evening at the most convenient time, but not before five o'clock nor after eight o'clock.

8. On the Friday of the Lord's passion and death the solemn liturgical service is celebrated in the afternoon about three o'clock. If there is some pastoral reason to do so, it is allowed to choose a later hour, but not later than six o'clock.

9. The solemn Easter vigil is to be celebrated at a fitting time, one which will permit the solemn Mass of this vigil to begin about midnight of the night between Holy Saturday and Easter Sunday.

Where the conditions of the faithful and of the place make it fitting in the judgment of the Ordinary of the place to anticipate the hour for celebrating the vigil, this should not begin before twilight, or certainly not before sunset.

III. On Extending the Lenten Abstinence and Fast Until the Midnight of Holy Saturday

10. The abstinence and fasting prescribed for Lent which, up until this time, according to canon 1252, §4, ceased after noon on Holy Saturday, will in the future cease at midnight of the same Holy Saturday.

All things to the contrary notwithstanding.

INSTRUCTION

On the Correct Use of the Restored Ordo of Holy Week

Since it is the purpose of the restored Ordo of Holy Week that, with the venerable liturgical services of these days restored to the hours that are proper and opportune, these liturgical services may be attended more easily, more devoutly, and more fruitfully by the faithful, it is highly important that this salutary purpose be realized.

Hence it has seemed opportune to this Sacred Congregation of Rites to add to the General Decree an *Instruction,* by which the change to the new order may be made easier and the faithful may be led more securely to derive richer fruits from a living participation in the sacred ceremonies.

The knowledge and the observance of this *Instruction* are obligatory for those whom it concerns.

I. On the Pastoral and Ritual Preparation

1. Local Ordinaries should carefully see to it that priests, especially those who have the care of souls, be well instructed not only in the ritual observance of the restored Ordo of Holy Week but also in its liturgical meaning and its pastoral purpose.

They' should likewise take care that the faithful also, during the holy' season of Lent, be faithfully taught properly' to understand the restored Ordo of Holy' Week, so that they may' both mentally' and spiritually participate in the services.

2. The following are the chief points of instruction that should be given to the Christian people:

a) *For the Second Sunday oj Passiontide, Called Palm Sunday*

The faithful are to be urged to assist in greater numbers at the solemn procession of the palms, so as to give public testimony of their love and gratitude to Christ the King.

Moreover the faithful should be admonished to approach the Sacrament of Penance in time during Holy Week. This admonition must be stressed especially in those places where it has been customary for the faithful to troop to confession on Holy Saturday evening and Easter Sunday morning. Let those who have the responsibility for souls zealously see to it that the faithful have ready access to the Sacrament of Penance during all of Holy Week and especially on the last three days of that week.

Z>) *The Thursday oj the Lord's Supper*

The faithful should be taught about the love with which Christ the Lord "on the day before He suffered," instituted the Eucharist, a Sacrifice and Sacrament, and an everlasting memorial of His passion, to be renewed unceasingly by the ministry of priests.

The faithful should also be urged to render due adoration to the Blessed Sacrament after the Mass of the Lord's Supper.

Where the washing of the feet, to show the Lord's commandment on charity, is performed in a church according to the Rubrics of the restored Ordo of Holy Week, the faithful should be instructed on the profound meaning of this sacred rite, and should be taught that it is only proper that they should abound in works of Christian charity on this dav.

c) The Friday oj the Lord's Passion and Death

The faithful should be brought to a right understanding of the unique liturgical services of this day. In these services, after the sacred readings and prayers, the Passion of Our Lord is solemnly sung, prayers are offered for the needs of the entire Church and of the human race, and the Holy Cross, the memorial of our Redemption, is most devoutly adored by the Christian family, the clergy, and the people. Finally, according to the Rubrics of

the restored Ordo, and as was the custom for many centuries, all who wish to do so and who are properly prepared can go to Holy Communion, so that, devoutly receiving the Lord's Body which was given for all on this day, they may receive richer fruits of the Redemption. I

The priests must emphasize the fact that on this most holy day the faithful should keep their minds piously recollected and should not forget the laws of abstinence and fasting.

d) For Holy Saturday and the Easter Vigil

First of all it is imperative that the faithful be carefully instructed about the unique liturgical character of Holy Saturday. This is a day of most intense sorrow, the day on which the Church tarries at the Lord's tomb, meditating on His Passion and death. While the altar remains stripped, the Church abstains from the Sacrifice of the Mass until, after the solemn vigil or the nocturnal wait for the Resurrection, come the Easter joys, which overflow abundantly into the days that follow.

The intention and purpose of this vigil is to point out and to recall in the liturgical service how life and grace have come to us from the Lord's death. And so Our Lord Himself is presented under the symbol of the paschal candle as "the light oi the world" (John 8:12), who has dispelled the darkness of our sins by the grace of His light. The *Exultet* is sung, in which the splendor of the holy night of the Resurrection is glorified. The wonderful works wrought by God under the old alliance, pale foreshadowings of the marvels done under the new covenant, are recalled. There is the blessing of the baptismal water, in which, "buried together with Christ" unto the death of sin. we rise again with the same Christ so that "we may walk in newness of life" (Rom. 6:4). Then by the renewal of our baptismal vows we promise to bear witness before all by our lives and our conduct to this grace which Christ has merited for us and which He confers upon us in Baptism. Finally, after we have implored the intercession of the Church triumphant, the sacred vigil ends with the solemn Mass of the Resurrection.

3. No less necessary is the ritual preparation for the sacred ceremonies of Holy Week. Hence all the things that are required for the devout and becoming performance of the liturgical services of Holy Week must be carefully prepared and put in order.

The sacred ministers and the others who take part in the services, whether clerics or laymen, especially the boys, should be thoroughly instructed on what they are to do.

II. Annotations to Certain Rubrics of the Ordo of Holy Week

For the Entire Week

4. Where there is a sufficient number of sacred ministers, the sacred services of Holy Week should be conducted with all the splendor of the sacred rites. Where there are not enough sacred ministers, the simple rite should be used, observing the special Rubrics as noted in their proper places.

5. Whenever in the restored Ordo of Holy Week the words "as in the Roman Breviary" occur, everything is to be taken from this liturgical book, observing the norms set forth in the General Decree of the Sacred Congregation of Rites "On Reducing the Rubrics to a Simpler Form," issued March 23, 1955.

6. During all of Holy Week, that is from the second Sunday of Passiontide or Palm Sunday up to the Mass of the Easter Vigil inclusive, in the Mass (and on Friday in the solemn liturgical service), whenever the function is solemn, that is performed with sacred ministers, the celebrant is to omit whatever the deacon, the subdeacon, or the lector sing or read in the performance of their own parts of the ceremony.

b) For the Second Sunday oj Passiontide or Palm Sunday

7. In the blessing and the procession, palm or olive branches, or the branches of other trees, may be used. These branches may, in accordance with local custom, be prepared by the faithful themselves and brought by them into the church, or they may be distributed to the faithful after they are blessed.

c) *For the Thursday of the Lord's Supper*

8. As is prescribed in the Roman Missal, a suitable place should be prepared in some chapel or at some altar of the church for the solemn Reposition of the Sacrament. This should as far as possible be becomingly ornamented with veils and lights.

9. In accordance with the decrees of the Sacred Congregation of Rites concerning abuses which are to be avoided or removed in the preparation of this place, a severity consonant with the liturgy of these days is definitely recommended.

10. Pastors and rectors of churches should warn the faithful in time about the public adoration of the Holy Eucharist. This is to be begun as soon as the Mass of the Lord's Supper has ended, and is to be continued at least until midnight, when the memory of the Lord's passion and death takes the place of the liturgical commemoration of the institution of the Holy Eucharist.

d) For the Easter Vigil

11. There is nothing to prevent the previous preparation, in colors or in some other way, of the marks to be incised on the paschal candle by the celebrant.

12. It is fitting that the candles held by the clergy and by the people should remain lighted while the *Exultet* is being sung and during the renewal of the baptismal vows.

13. The container for the water that is to be blessed should be decorated in a fitting manner.

14. If there are people to be baptized, especially if there are many, it is permissible to advance to a convenient time in the morning of the same day the ceremonies of the Roman Ritual which precede the actual administration of Baptism, namely, in the Baptism of infants up to the words *"Credis in Deum" (Rituale Romanum,* tit. HI, cap. II. n. 12) and in the Baptism of adults up to the words *"Quis vocaris?" (Rituale Romanum,* tit. III, cap. IV, n. 38).

15. If it should happen that Holy Orders are also being conferred during this solemn vigil, the Pontiff this night should put the final admonition (with the imposition of the so-called "duty") which, according to the *Pontificale Romanum,* should come after the pontifical blessing and before the last Gospel, before the pontifical blessing.

16. On the vigil of Pentecost, the Lessons or Prophecies, the blessing of the baptismal water, and the Litanies are omitted. The Mass, even when this is the conventual Mass or a solemn or sung Mass, is begun in the usual manner after the *Confiteor* has been said at the altar steps. It begins with the *Introit "Cum*

sanctificatus fueris," as is prescribed for private Masses in this same place in the Roman Missal.

III. On the Mass, Holy Communion, and the Eucharistic Fast During These Three Days

17. On the Thursday of the Lord's Supper, that very ancient tradition of the Roman Church must be observed, according to which the celebration of private Masses is forbidden, and all priests and clerics are to assist at the Mass of the Lord's Supper and are encouraged to receive Holy Communion (cf. canon 862).

However, where pastoral reasons so require, the local Ordinary may permit one or two low Masses in all churches and public oratories. In semipublic oratories there can be only one low Mass; this, in order to give all the faithful the opportunity to assist at the Sacrifice of the Mass and to receive the Lord's Body on this day. These Masses are permitted only during the hours assigned for the celebration of the solemn Mass of the Lord's Supper (Decree, II, n. 7).

18. On the Thursday of the Lord's Supper, Holy Communion may be distributed to the faithful only during the evening Masses or immediately after them. Likewise on Holy Saturday it can be given only during Mass or immediately after it. The sick who are in danger of death are excepted from this rule.

19. On the Friday of the Lord's passion and death, Holy Communion may be distributed only at the solemn liturgical services in the afternoon, except to the sick who are in danger of death.

20. Priests who celebrate the Mass of the Easter Vigil at the proper hour, that is, after midnight of the night between Saturday and Sunday, can also celebrate the Mass of the feast on Easter Sunday, and. if they have the induit, they may celebrate twice or three times.

21. Local Ordinaries who celebrate the Mass for the consecration of the Chrism in the morning of the Thursday of the Lord's Supper can also celebrate the solemn Mass of the Lord's Supper the evening of that day. If they should wish to celebrate the solemn Easter Vigil on Holy Saturday, they may but are not obliged to celebrate the solemn Mass on Easter Sunday itself.

22. As regards the Eucharistic fast, the norms of the Apostolic

Constitution, *Christus Dominus,* and the accompanying *Instruction* of the Supreme Sacred Congregation of the Holy Office of 6 January, 1953[1] are to be observed.

IV. On the Solution of Certain Difficulties

23. Since there are in various places and among various peoples many popular customs connected with the observance of Holy Week, local Ordinaries and priests having the care of souls should seek prudently to harmonize these customs, which appear to contribute to solid piety, with the restored Ordo of Holy Week. The faithful should also be taught the supreme value of the sacred liturgy, which always and especially· to-day by its very nature far surpasses other kinds of devotions and customs, however good these may be.

24. Where it has hitherto been the custom to bless homes on Holy Saturday, let the local Ordinaries give proper directions so that this blessing may be given at a more convenient time either before or after Easter. The blessing should be given by the pastor or by another priest having the care of souls and delegated by the pastor. And they may take this opportunity paternally to visit the faithful entrusted to them and to take account of their spiritual condition (canon 462, 6°).

25. The ringing of the bells, which is prescribed for the beginning of the hymn *Gloria in excelsis* in the Mass of the Easter vigil, is to be done in this way:[2]

a) In places where there is only one church, the bells should be rung when the singing of this hymn begins.

b) In places where there are many churches, regardless of whether the ceremonies take place at the same time in all of them or not, the bells of all the churches should be rung at the same time as those of the cathedral church, or the mother church, or the principal church. Should there be doubt as to which is the

[1] AAS, 45–15; reported in this volume under canon 858.

[2] The *Acta Apostolicae Sedis* mention here *only the Mass of the Easter Vigil,* whereas the text previously published in *L'Osservatore Romano* included in this provision also the ringing of the bells at the *Gloria* in the solemn evening Mass of Holy Thursday. Since the text of the *Acta* is the only official one, it is to be followed This is confirmed by information privately obtained at the Sacred Congregation of Rites.

mother church or the principal church, the Ordinary of the place should be consulted.

AAS 47-838; S. C. Rit., General Decree and Instruction, 16 Nov., 1955. We have adopted almost exactly the version made by the N.C.W.C. News Service, and contained in their Release of 3 December, 1955, which was kindly sent to us by Mr. John Ryan. However, some changes had to be made because of differences in the official text in AAS from the text printed in *L'Osservatore Romano,* 27 October, 1955, notably HI, IS and III, 19 of the *Instruction.*

Holy Week Triduum: Further Declarations (S. C. Rit., Declaration, 15 March, 1956) AAS 48-153.

The Sacred Congregation of Rites issued the following official declarations:

In the restored order of Holy Week, besides the rubrics for the solemn celebration of the sacred rites, that is *with* sacred ministers, there are also rubrics for the simple celebration of the sacred rites, that is *without* sacred ministers so that these rites may be celebrated more easily in all churches or public and semipublic oratories.

Since some doubts have arisen in this matter, the Sacred Congregation of Rites has declared and prescribed the following:

1. In all churches and public and semipublic oratories, where sacred ministers are available, the sacred rites of the second Sunday of the Passion, that is Palm Sunday, of Holy Thursday, Good Friday, and the Paschal Vigil, may be celebrated solemnly *(Instruction,* η. 4)?

2. In churches and public and semipublic oratories where there are not enough sacred ministers, the simple rite may be used. But for the performance of this simple rite there must be a sufficient number of "servers," either clerics or boys, three at least for the second Sunday of the Passion, that is Palm Sunday, and for the Mass of the Lord's Supper, and at least four for the celebration of the liturgical Action of Good Friday and the Paschal Vigil. These "servers" must be carefully instructed on what they are to do *(Instruction,* n. 3). These two conditions, namely a sufficient number of "servers" and their proper preparation, are

1 S. C. Rit., General Decree and Instruction, 16 Nov., 1955; *AAS,* Vol. 47. p. 838; reported above in this volume under this same canon 2.

absolutely required for performing the simple rite. Ordinaries of places should see that these two conditions which are prescribed for the simple rite be exactly observed.

3. Where, on Holy Thursday after the Mass of the Lord's Supper even though it be celebrated in the simple form, the transfer and reposition of the Most Blessed Sacrament takes place, it is strictly required that in the same church or oratory there be also the afternoon liturgical Action of Good Friday.

4. If for any reason the Mass of the Lord's Supper cannot be celebrated even in the simple rite, the local Ordinary, where pastoral reasons so require, can permit that two Masses be said in churches and public oratories, but only one low Mass in semi-public oratories *(Instruction,* n. 17); observing the provisions of n. 7 of the *Decree* as to the hour for the celebration of these Masses.

5. The Paschal Vigil can be celebrated also in churches and oratories where the functions of Thursday and Friday were not held; it can also be omitted in churches or oratories where the said functions were held.

6. For priests who have charge of two or more parishes, the local Ordinary can permit bination of the Mass of the Lord's Supper, repetition of the liturgical Action of Good Friday and bination of the Mass of the Paschal Vigil: but not in the same parish; and observing always the prescriptions regarding the time of celebration *(Decree,* n. 7).

All these points having been separately presented to His Holiness Pius XII by the undersigned Cardinal Prefect of the Sacred Congregation of Rites. His Holiness deigned to approve this declaration and these resolutions.

All things to the contrary notwithstanding. March 15. 1956.

AAS 48-153; S. C Rit., Declaration, 15 March, 1956.

The Restored Order of Holy Week: Ordinances and Declarations (S. C. Rit., 1 Feb., 1957) AAS 49-91.

The liturgical restoration of Holy Week which was promulgated by the Sacred Congregation of Rites by the General Decree *Maxima Redemptionis nostrae mysteria,* of 16 Nov.. 1955,[1]

[1] AAS 47-838; reported above in this same volume, under this same canon.

has been received with universal joy and put into practice everywhere with great pastoral success.

However some of the Most Excellent Bishops, in the reports made to this Sacred Congregation, have indicated certain practical difficulties occasioned by various local and national conditions. To meet these difficulties, the Pontifical Commission of experts which prepared the restored Order has, after mature reflection, drawn up these *Ordinances and Declarations,* in which is incorporated also the previous Declaration made by this Sacred Congregation on the 15th of March, 1956, regarding the celebration of the restored rites.[1] The General Decree *Maxima Redemptionis nostrae mysteria,* and the *Instruction* of 16 Nov., 1955, which was published with it, continue in force, with the exception of matters which are changed by the present document.

All this, which was reported in detail to His Holiness by the undersigned Cardinal Prefect, has been approved by His Holiness.

Accordingly, by special mandate of His Holiness by divine Providence Pope Pius XII, the Sacred Congregation of Rites provides as follows:

I. The Use of the Solemn or of the Simple Rite in Celebrating the Liturgy of Holy Week

1. In all churches and public and semipublic oratories where there is a sufficient number of sacred ministers, the sacred rites of the Second Sunday of the Passion, or Palm Sunday, of Holy Thursday *in Cena Domini,* of Good Friday on the Passion and Death of our Lord, and of the Paschal Vigil, can be celebrated in the solemn form *(Declaration* of 15 March, 1956, n. 1, and *Instruction* of 16 Nov., 1955, n. 4).

2. In churches and public and semipublic oratories where sacred ministers are not available, the simple rite may be used. But for performing this simple rite there must be a sufficient number of "servers," either clerics or at least boys, namely, at least three for the Second Sunday of the Passion, or Palm Sunday, and for the Mass *in Cena Domini,* and at least four for the celebration of the liturgical Action of Good Friday on the Passion and Death of our Lord, and of the Paschal Vigil. These "servers" must be carefully instructed as to what they

[1] AAS 48-153; reported above in this same volume under this same canon.

have to do *(Instruction* of 16 Nov., 1955, n. 3). These two conditions, namely, a sufficient number of "servers" and their adequate preparation, are strictly required for performing the simple rite. Local Ordinaries should see that these two conditions for the simple rite are exactly observed *(Declaration* of 15 March, 1956, n. 2).

3. Where the liturgical actions of Holy Week are performed in the simple rite, if another priest or at least a deacon is available, there is no objection to having him, in the vestments of a deacon, sing the Gospel when it occurs, or the history of the Passion (but reserving the part of *Christus* to the celebrant), or the *praeconium paschale,* also lessons and invitations such as *Flectamus genua* and *Levate,* or *Benedicamus Domino,* or *Ite, Missa est;* in short let him take the part of the deacon.

II. The Second Sunday of the Passion, or Palm Sunday

4. The solemn blessing of the palms and the procession, with the Mass which follows, are to be performed in the morning at the usual hour of the principal Mass, in Choir after Terce (cf. *General Decree* of 16 Nov., 1955, n. 6).

In churches where evening Masses are regularly celebrated with a large attendance of the faithful, the local Ordinary can permit the blessing of the palms and the procession with the Mass which follows it to be celebrated in the evening, if there is a real pastoral reason for it. but in that case the blessing and procession are not to take place in the morning in those churches.

5. It is not allowed to celebrate merely the blessing of the palms, not followed by the procession and Mass.

6. The blessing of the palms can be done in another church from which the procession moves to the principal church for the celebration of the Mass *(Ordo,* n. 17). Where there is no such other church, the blessing of the palms can be done in some other suitable place, even out of doors, in front of a sacred shrine or before the processional cross, provided the procession goes from there to the church for the celebration of Mass.

7. Since it is scarcely possible for all the faithful to be present

for the blessing of the palms, Rectors of churches should see to it that blessed palms be ready in the sacristy or in some other suitable place, to be distributed to the faithful who were not in the procession.

III. Holy Thursday *in Cena Domini*

8. The Mass of the Chrism is to be celebrated in the morning after Terce; but the Mass *in Cena Domini* is to be celebrated in the evening, at a convenient hour, but not before four o'clock in the afternoon nor after nine in the evening.

9. Where a pastoral reason so requires, the local Ordinary can permit one or two *low* Masses in all churches or public oratories, besides the principal Mass *in Cena Domini;* but in semipublic oratories, only one (cf. *Instruction* of 16 Nov., 1955, n. 17).

But if for any reason the principal Mass *in Cena Domini* cannot be celebrated even in the simple rite, the local Ordinary for a pastoral reason can permit two *low* Masses to be celebrated in churches or public oratories, but only one in semipublic oratories *(Declaration* of 15 March, 1956, n. 4).

These low Masses are to be celebrated within the same hours as those assigned above in n. 8 for the Mass *in Cena Domini.*

10. It is very desirable that even in the low Masses above mentioned (n. 9), the celebrant, after the Gospel, should address the faithful briefly on the principal mysteries of the day.

11. On Holy Thursday Holy Communion may be distributed to the faithful only at the principal Mass *in Cena Domini* and at all the other low Masses which the local Ordinary has permitted, or immediately after the Masses.

12. On this day Holy Communion may be brought to the sick in the morning or in the afternoon.

13. To priests who have charge of two or more parishes, the local Ordinary can permit bination of the Mass *in Cena Domini (Declaration* of 15 March, 1956, n. 6).

14. Where the transfer and reposition of the Most Blessed Sacrament on Holy Thursday takes place after the Mass *in Cena Domini,* even though it was celebrated in the simple form, it is strictly required that in the same church or oratory the afternoon liturgical Action of Good Friday on the Passion and

Death oi our Lord be also celebrated *(Declaration* of 15 March, 1956, n. 3).

IV. Good Friday on the Passion and Death of Our Lord

15. On Good Friday on the Passion and Death of our Lord, the solemn liturgical Action is celebrated in the afternoon about three o'clock: for a pastoral reason it may be begun at noon or later, but not after nine in the evening.

16. To priests who have charge of two or more parishes, the local Ordinary can permit the repetition of the liturgical Action on the Passion and Death of our Lord, not however in the same parish, and always within the same hours as those specified above in n. 15 for the performance of that Action (cf. *Declaration* of 15 March, 1956, n. 6).

17. If the Pastor or the Rector of the church foresees that, owing to the great number of people, the adoration of the Holy Cross as prescribed in the Order of Holy Week can scarcely be performed, or at least not without some loss of order and devotion, the ceremony may be done in the following way: after the clergy, if any are present, and the servers have made their adoration, the Celebrant receives the Cross from the hands of the servers and, standing at the top of the altar steps, in a few words invites the people to adore the Cross, and then holds it aloft for a short time so that the faithful may adore it in silence.

18. On Good Friday on the Passion and Death of our Lord, Holy Communion may be distributed only at the solemn afternoon liturgical Action, except to persons in danger of death (cf. *Instruction* of 16 Nov., 1955, n. 19).

V. Holy Saturday and the Paschal \zigil

19. As to the hour for celebrating the Paschal Vigil, the following rules are to be observed:

fl) The proper hour is one which makes it possible for the Mass of the Vigil to be begun about midnight between Holy Saturday and Easter Sunday *(General Decree* of 16 Nov., 1955, n. 9).

b) But where, in view of peculiar conditions of the people or of the place, for grave reasons of a public and pastoral nature it seems proper in the judgment of the local Ordinary to anticipate the hour for celebrating the Vigil, this may be done; but it may not be begun before twilight, or certainly not before sunset (cf. *General Decree* of 16 Nov.. 1955, n. 9).

c) But the permission to anticipate the hour of the Paschal Vigil cannot be given by the local Ordinary indiscriminately and in general for the whole diocese or district, but only for those churches or places where it is really necessary; moreover it is preferable that the strictly proper hour be observed at least in the cathedral church, and in all other churches, especially those of religious, where this can be done without grave inconvenience.

20. The Paschal Vigil can be celebrated also in churches or oratories where the functions of Holy Thursday and Good Friday did not take place; and it may likewise be omitted in churches and oratories where those functions were celebrated *{Declaration* of 15 March, 1956, n. 5).

21. To priests who have charge of two or more parishes, the local Ordinary can permit the bination of the Mass of the Paschal Vigil, not however in the same parish *(Declaration* of 15 March, 1956, n. 6).

22. Since the Paschal Vigil has been restored to its original nocturnal setting, it is not appropriate to confer Tonsure or minor or major Orders at the Masses of this Vigil.

All things to the contrary notwithstanding.

AAS 49-91; S. C. Rit., Ordinances and Declarations, 1 Feb.. 1957.

Blessings: Radio station (AAS 49-1043).
Seminary (AAS 46-104).

Vernacular: Breviary. Sec c. 489.
Epistle and Gospel in Mass. Sec c. 818; Holy Office, 17 Oct., 1956.
Hymns at low Mass. Sec c. 1264; S. C. Rit., 1 June, 1956.
Sacraments, funerals. See c. 733; S. C. Rit., 3 June, 1954.

CANON 3

Concordat: North Rhineland-Westphalia, 19 Dec., 1956 (AAS 49-201). Santo Domingo, 16 June, 1954; effective from 6 Aug., 1954, when official documents were formally exchanged at Ciudad Trujillo (AAS 46-433). — Instruction on celebration of marriage under the Concordat with Santo Domingo. S. C. Sacr., 25 March, 1955 (AAS 47-628).

With Spain: Text in Italian and Spanish, 27 Aug., 1953 (AAS 45-625). For commentaries, cf. *Études,* Jan. 1, 1954, pp. 108-115; *The Tablet,* Sept. 5, 1953, p. 236; *America,* Sept. 12, 1953, p. 567.

CANON 17

Extensive Interpretation. See c. 1; AAS 45-105.

CANON 36

How to Close Latin Letter or Petition. See *The Jurist,* 17 (1957) 342 (Feeney).

CANON 53

Roman Agents Can Obtain General Authorization to Notify Clients in the Name of the S. C. of Religious, That Their Rescripts Arc Granted (S. C. Rel., 2 May, 1955) Private.

A Rescript given by the S. C. of Religious, 2 May, 1955 (Prot. N. 8640/55), is as follows:

The Petition. J. S., agent in Rome for the Dioceses of Spain, prostrate at the feet of Your Holiness, humbly states the following:

It often happens that among the matters which this Petitioner presents to the Sacred Congregation of Religious, some are rather urgent and require an early reply, which the Ordinaries not infrequently request by telegraph.

In these cases the practice has arisen, as we have heard, for the agents, as soon as they receive the Rescript, to telegraph to the Ordinaries that the favor is granted; and the Ordinaries.

satisfied with this notification, proceed to execute the Rescript.

Since this procedure does not seem to conform entirely to the letter at least of canon 53 of the Code of Canon Law, the Petitioner humbly prays that in cases such as these, in so far as any permission is needed, the Ordinaries may proceed to execute the Rescript when they receive such notice from the Petitioner.

The Rescript. Tn virtue of faculties granted by His Holiness, the S. C. of Religious, in view of the facts stated in the petition, graciously grants the favor as requested, for three years, observing the provisions of law. All things to the contrary notwithstanding.

Given at Rome, 2 May, 1955.

(Private); S. C. Rel., 2 May, 1955. Reported in *Commentarium pro Religiosis,* 1955, p. 291, with annotations by Gutiérrez.

Note: In other words, as Gutierrez points out, an agent or Procurator, though recognized by the Sacred Congregation as the authorized representative of his clients, is not by that very fact the authorized representative of the Sacred Congregation, so as to be entitled to send a message *"auctoritate rescribentis."* Such a Rescript as the above, however, authorizes him to do so regularly for the duration of the induit.

CANON 66

Quinquennial Faculties of Ordinaries: Latest Formula for the United States (S. C. Consist.) Private.

1. Faculties From the Holy Office

1. The faculty of granting for not more than three years permission to read or keep, with precautions, however, lest they fall into the hands of other persons, forbidden books and papers, excepting works which professedly advocate heresy or schism, or which attempt to undermine the very foundations of religion, or which are professedly obscene; the permission to be granted to their own subjects individually, and only with discrimination and for just and reasonable cause (cf. c. 1402, §2); that is, to such persons only as really need to read the said books and

papers, either in order to refute them, or in the exercise of their own lawful functions, or in the pursuit of a lawful course of studies.

(Officml Note. *The above faculty is granted to Bishops to be exercised by them personally; hence not to be delegated to anyone; and moreover with a grave responsibility in conscience upon the Bishops as regards the real concurrence of all the above-mentioned conditions.)*

2. To dispense, for just and grave reasons, their own subjects even outside their territory, and other persons within it, from the impediment of mixed religion, and if need be also from that of disparity of cult, *ad cautelam,* whenever there exists a prudent doubt of the reception of baptism by the non-Catholic party; when it has been found impossible before the marriage either to bring the non-Catholic party to the true faith or to deter the Catholic party from the marriage; provided that the promises have been regularly made in advance according to canon 1061, §2, guaranteeing the fulfillment of the conditions required by the Church, and *provided the Ordinary himself be morally certain of their fulfillment;* to wit: on the part of the non-Catholic party, the promise to remove the danger of perversion from the Catholic party, and on the part of both, the promise to baptize and educate all the children of both sexes in the holiness of the Catholic faith. Moreover, the Catholic party must be informed of his or her obligation to use prudent measures to convert the other party to the Catholic faith.

The parties should be warned that according to canon 1063. § 1. they may not, either before or after their marriage before the Church present themselves also before a non-Catholic minister in order to express or renew their matrimonial consent. This is forbidden to the Catholic party under pain of excommunication *latae sententiae* reserved to the Ordinary according to canon 2319, § 1, 1°. Moreover, the provisions of canon 1063, § 2, regarding the manner in which the pastor should act in such a case, are to be strictly observed.

If the parties are actually living in concubinage, appropriate measures must be taken to remove any scandal that may exist, and the Catholic party must be duly prepared to receive the grace of God. first receiving absolution from the excommunica-

lion which has been contracted if there has been an attempt to marry before a non-Catholic minister; and in this case also appropriate salutary penances are to be imposed. If a child has already been born of the illicit union, the parties must be warned of their grave obligation under the divine law to provide as well as they can for its Catholic education, and (in a proper case) for its conversion and baptism; an explicit promise should be required of the Catholic party to fulfill this obligation.

3. To dispense, for just and grave reasons, their own subjects even outside their territory, and other persons within it, from the impediment of disparity of cult (except for a marriage with a Mohammedan), when this can be done without irreverence to the Creator, and when it has been found impossible before the marriage to bring the unbaptized party to the true religion or to deter the Catholic party from the marriage; provided that the promises have been regularly made in advance according to canon 1061. §2, guaranteeing the fulfillment of the conditions required by the Church, and *provided the Ordinary himself be morally certain of their fulfillment;* to wit: on the part of the unbaptized party, the promise to remove the danger of perversion from the Catholic party, and on the part of both, the promise to baptize and educate all the children of both sexes entirely in the holiness of the Catholic faith. Moreover, the Catholic party must be informed of his or her obligation to use prudent measures to convert the other party to the Catholic faith.

The parties should be warned that according to canon 1063, § 1, they may not, either before or after their marriage before the Church, present themselves also before a minister of a false religion in order to express or renew their matrimonial consent. Moreover the provisions of canon 1063, § 2, regarding the manner in which a pastor should act in such a case, are to be strictly observed. As regards the legitimation of the children, let canon 1051 be attended to.

If the parties are actually living in concubinage, the appropriate measures must be taken to remove any scandal that may exist, and the Catholic party must be duly prepared to receive the grace of God; if a child has already been born of the illicit union, the warning must be given and the promise required as provided above in n. 2.

For the rest, whether the impediment be mixed religion or

disparity of cult, let the provisions of canons 1026, 1102, and 1109 be observed as regards the publications, the questioning of the parties as to consent, and the sacred rites. After such a marriage has been celebrated, whether within or outside his own territory, let the Ordinary be watchful to see that the parties faithfully fulfill the promises they have made.

4. To grant a *sanatio in radice* for marriages that have been attempted before a civil officer or a non-Catholic minister, either in the case of their own subjects even outside their territory, or of other persons within it, where there was the impediment of mixed religion or disparity of cult; provided that matrimonial consent continues to exist in both parties, and that the same cannot be legitimately renewed, either because the non-Catholic party cannot be informed of the invalidity of the marriage without danger of grave damage or inconvenience to the Catholic party, or because the non-Catholic party can by no means be induced to renew consent before the Church or to give the promises as required by canon 1061, § 2; provided:

1° that it is morally certain that the non-Catholic party will not impede the baptism and Catholic education of all children who may thereafter be born;

2° that the Catholic party explicitly promise to provide, to the best of his or her ability, for the baptism and Catholic education of all children who may thereafter be born, and (in a proper case) also for the conversion, baptism, and Catholic education of children already born;

3° that the parties did not, before their attempted marriage. bind themselves either privately or by a public act to educate the children as non-Catholics;

4° that neither party be actually insane;

5° that at least the Catholic party know of the sanation and ask for it;

6° that there be no other canonical diriment impediment for which the Ordinary himself has not the faculty to dispense or to grant a sanation.

But the Most Reverend Bishop himself must seriously admonish the Catholic party of the grave crime he or she has committed, must impose salutary penances, and, if need be, absolve the party from the excommunication incurred under canon 2319, § 1. He must at the same time declare that, as a result of

the favor of the sanation which has been received, the marriage has been rendered valid, lawful, and indissoluble by divine law, and that the children who may have been born or may thereafter be born are legitimate. Moreover, he must remind the Catholic party of his or her obligation to take prudent measures for the conversion of the other party to the Catholic faith.

Since there must be proof in the external forum of the validity of the marriage and the legitimation of the children, the Most Reverend Bishop shall give orders that in each case the written document of sanation together with the attestation of its execution be carefully preserved in the local Curia. He must also see to it, unless in his prudent discretion he judge otherwise, that the notice of the validation of the marriage, with a notation of the day and year, be entered in the baptismal register of the parish where the Catholic party was baptized.

It is the mind oj the Holy Office that the Bishop exercise this faculty oj sanating marriages in radice himself personally, that is, that he do not subdelegate it to anyone.

(Official Note. *1. In granting each oj the above sanations or dispensations, the Bishop or Ordinary should mention expressly his delegation by the Holy See* [c. 7057].

(2. *At the end oj each year the Ordinary shall report to the Sacred Congregation oj the Holy Office the number and kind oj dispensations which he has granted in virtue oj this Induit.')*

2. Faculties From the Sacred Consistorial Congregation

Whenever there is urgent necessity, evident usefulness, and danger in delay, the faculty is granted to permit to all concerned, according to the norms of canons 534, § 1 and 1532, § 1, 2°, the alienation of ecclesiastical property or property of pious causes whose price does not exceed double the increased amount established in the various Nations bv the Sacred Consistorial Congregation in its *Notification* of 18 October, 1952.[1]

The Sacred Consistorial Congregation is to be informed within a year of the alienation made (cf. Appendix).

'This notification is included by way of appendix to the Quinquennial Formula and is reported below in this volume under canon 1532.

3. Faculties From the Sacred Congregation of the Sacraments

1. To dispense, *for just and reasonable cause,* from matrimonial impediments of minor grade which are mentioned in canon 1042, and also from the impeding impediments mentioned in canon 1058 as regards only marriages to be contracted.

2. To dispense, *for grave and urgent reasons,* whenever there is danger in delay and the marriage cannot be postponed until a dispensation be obtained from the Holy See, from the following impediments of major grade:

a) Consanguinity in the second or third degree touching the first, provided there be no scandal or sensation therefrom.

b) Consanguinity in the second degree of the collateral line.

c) Affinity in the first degree of the collateral line, either simple or mixed with the second degree.

d) Public propriety in the first degree, provided there be no possibility that one of the parties is the offspring of the other.

3. To dispense, only during the time and in the act of the pastoral visitation or of sacred missions, from all the above-mentioned impediments in the case of those who are found to be living in concubinage.

4. To grant a *sanatio in radice* for marriages which have been invalidly contracted because of some impediment of ecclesiastical law of major or minor grade, except the impediments resulting from the sacred order of priesthood and from affinity in the direct line when the marriage has been consummated; in case there is great inconvenience in requiring a renewal of consent from the party who is ignorant of the nullity of the marriage; provided, however, that the former consent continues to exist and that there be no danger of divorce. The party who knows of the impediment is to be informed of the effect of the sanation, and the usual entry is to be made in the baptismal and marriage records.

(Official Note. *1. The Ordinary may use these faculties cither personally or through other suitable ecclesiastical persons to be specially deputed for the purpose, for marriages that arc to be contracted or that have been invalidly contracted, in the case of his own subjects wherever they may be, and of all other persons within his territory, making express mention in every case, of this Apostolic delegation, according to c. 1057.*

(2. *In the use of these faculties let the provisions of canons 1048-1054 be kept in mind.*

(3. .4/ *the end of each year the Ordinary must report to the Sacred Congregation of the Sacraments, through the Sacred Consistorial Congregation, the number and kinds of dispensations which he has granted by virtue of this Induit.)*

4. Faculties From the Sacred Congregation of the Council

1. To reduce, for five years, on account of diminished revenue, perpetual Mass obligations to the measure of the Mass stipend legitimately in vogue in the diocese, in cases where there is no one who is lawfully bound and who can be practically compelled to increase the stipend. However, no faculty is granted to reduce obligations or legacies of Masses binding on benefices or other entities or on physical persons. The diocesan Curia must be duly informed every year of the satisfaction by each celebrant of the Mass obligations thus reduced.

2. To transfer, for five years, within the limits of the diocese, the obligations of Masses, to days, churches, or altars other than those provided for in the foundation, provided there be real necessity for such transfer and that it occasion no diminution of divine worship nor inconvenience to the people; except Masses provided for in legacies, which can be easily said in the designated places by increasing the stipend. Care must be taken that the diocesan Curia be duly informed each year, of the satisfaction of these transferred Masses by each celebrant.

3. To transfer, for five years, overabundant Mass obligations even to places outside the diocese, on the condition, however, that the priests and works of the diocese are first provided for. and that the provisions of the Code of Canon Law regarding precautions to be taken in sending away Masses, be exactly observed.

5. Faculties From the Sacred Congregation of Religious

1. To dispense from illegitimate birth for entrance into religion, in as far as such dispensation is made necessary by the constitutions of the institute, at the request of Superiors of the institute, provided the case be not one of sacrilegious offspring,

and that the persons dispensed be excluded from major offices in accordance with canon 504.

2. To permit the celebration of three Masses according to the ritual on Christmas night in churches of religious which are not included in canon 821, §3. with permission to those present to receive Holy Communion, on condition, however, that the three Masses be said by the same priest.

3. To dispense persons who are too old to enter the religious life, in as far as such dispensation is made necessary by the constitutions of any institute, on condition that in each case the consent of the General Superioress or of the Provincial, with that of their respective boards of consultors, be obtained in advance, and provided that the applicant be not over forty and have the other requisite qualifications.

4. To dispense from the want of dowry, in whole or in part, in the case of nuns or sisters, provided that the financial condition of the institute does not suffer thereby, and that the applicants have such qualifications that they give certain promise of being of great service to the institute.

5. To approve a confessor for a fourth and fifth three-year period, provided that the consent of the majority of the religious, including those who have no right to vote in other matters, expressed by secret vote in Chapter, be obtained beforehand, and that provision be made for the dissentients, if there be any and they desire such provision.

6. To allow the celebration of Mass on Holy Thursday, with permission to those who habitually live in the community to receive Holy Communion, even for the purpose of fulfilling their Easter duty.

7. To allow nuns to go to the church in order to clean or decorate it more thoroughly, on condition that all externs first leave the church, including the confessor himself and those who serve the monastery but live outside the cloister, that the doors of the church be closed and the key be given to the Superioress. The nuns must always be two together and the inner door of the church must be closed with a double lock, and one key be kept by the Superioress and the other by a nun deputed by the Ordinary; and that the door shall not be opened except in the cases specified and with the prescribed precautions.

8. To permit nuns to leave the cloister to undergo a surgical

operation, even though there be no danger of death or of very great harm, for such time as may be strictly necessary, and with proper precautions.

6. Faculties From the Sacred Congregation of Rites

1. To depute priests — if possible, such as hold some ecclesiastical dignity — to consecrate fixed and portable altars, observing the rite and form of the Roman Pontifical; and as regards portable altars, also using merely the approved short ritual formula.

2. To depute priests — if possible, such as hold some ecclesiastical dignity — to consecrate fixed and portable altars which have lost their consecration, using the shorter formula B for cases coming under canon 1200, § 2. of the Code, while in cases coming under canon 1200, § 1, the canon itself gives the faculty, and formula A is to be used.

3. To depute priests — if possible, such as hold some ecclesiastical dignity — to consecrate chalices and patens, observing the rite and form of the Roman Pontifical.

4. To permit, in the Mass of Holy Week when the Passion is said, that priests who by special induit celebrate two Masses, read, in one of them, only the latter part of the Passion *{Altera autem die,* etc.), saying before it: *Munda cor meum,* etc., and *Sequentia Sancti Evangelii secundum . . .*

5. To bless marriages outside of Mass, or to recite prayers over the couple, according to approved formulas, with power to subdelegate.

6. To bless and impose the five scapulars with a single formula, with power to subdelegate.

7. To bless and impose the five scapulars with a single formula, without recourse to the competent Ordinaries or religious Congregations, and without the obligation of inscribing the names in cases of a great concourse of people during the time of spiritual exercises and missions, with power to subdelegate.

8. To bless the holy oils with such a number of priests and ministers as, in view of the place and the circumstances, can be had, on Holy Thursday (for the Bishop celebrating).

9. To permit the use of incense in a high Mass without deacon

and subdeacon, but only on Feasts that are doubles of the first and second class, on Sundays, and when the high Mass is celebrated before the Most Blessed Sacrament of the Eucharist solemnly exposed.

10. To permit the use of the *Memoriale Rituum* of Benedict XIII in churches or public or semipublic oratories (which are not parochial or quasi-parochial) in the functions of the last three days of Holy Week, and in the blessing of ashes, candles, and palms; provided it be certain that the beauty of the sacred Mysteries and reverence toward them is sufficiently provided for.

11. To bless religious articles with the sign of the cross, observing the rites prescribed by the Church. But on the occasion of the pastoral visitation, and when many persons are asking for the blessing of articles of various sorts which call for various formulas, in these cases a single short formula is permitted while the sign of the cross is made over the articles, namely, the words: *Benedicat haec omnia Deus, Pater et Filius et Spiritus Sanctus. Amen.*

12. To celebrate a low Mass of *Requiem* once a week in his own oratory; provided the day be not a Feast of the double rite of the first or second class, a Sunday, or a day of obligation, even one which has been suppressed, nor a privileged octave, a *jeria* of Lent, one oi the Ember Days, Rogation Monday, or a vigil or *jeria* on which the Sunday Mass is to be anticipated or supplied; observing the rubrics in other respects.

7. Faculties From the Sacred Penitentiary

1. To absolve all penitents (except heretics who make it their business to disseminate heresy among the faithful) from all censures and ecclesiastical penalties incurred on account of heresy. whether it be outside the hearing or notice of anyone or committed before others; only, however, after the penitent shall have denounced according to law those who are teaching the heretical doctrine, if he knows who they are. and any ecclesiastical or religious persons whom he may have had as accomplices in the matter. If for just reasons this denunciation cannot be made before the absolution, the penitent shall seriously promise to make it as soon as and in the best way he can; and in every

case the penitent shall, before the absolution, secretly make an abjuration before the person absolving. A grave salutary penance shall also be imposed in proportion to the measure of the excesses committed; moreover, the frequenting of the sacraments shall be enjoined upon him, as well as the obligation to make a retractation before the persons in whose presence he manifested the heresy, and to repair the scandal.

2. To absolve from censures and ecclesiastical penalties persons who have defended, or without due permission knowingly read or kept in their possession books of apostates, heretics, or schismatics which profess apostasy, heresy, or schism, or any other books which are prohibited by name by the Holy See. A suitable salutary penance shall be imposed, and the persons shall be obliged, as far as possible before receiving absolution, to destroy the said books or turn them over to the Ordinary or to the confessor.

3. To absolve from censures those who have directly or indirectly impeded the exercise of ecclesiastical jurisdiction, either in the internal or external forum, and have for this purpose had recourse to any lay authority.

4. To absolve from the censures and ecclesiastical penalties which relate to dueling, but only in cases which have not got into the external forum. A grave salutary penance, and the other conditions required by law, are to be imposed upon the penitent.

5. To absolve from censures and ecclesiastical penalties those who have joined a Masonic sect, or any other association of the sort, which plots against the Church or against legitimate civil authority; on condition that the person concerned entirely withdraw from the sect or association, abjure it, and denounce according to canon 2336, § 2, any ecclesiastical or religious persons whom he knows to belong to it. If the person being absolved has in his possession any books, manuscripts, or insignia relating to the said society, he must deliver them to the person absolving, and the articles must be cautiously sent as soon as possible to the Holy Office, or at least, in case just and grave causes make it necessary, they must be destroyed. A grave and salutary penance in proportion to the offense must be enjoined, together with the duty of frequent confession and the obligation of repairing the scandal.

6. To absolve from censures and ecclesiastical penalties those

who without due permission have entered the cloister of regular religious of either sex, as well as those who introduced or admitted them; provided it was not done for a purpose in any way gravely criminal, even though that purpose was not carried out nor the case ever brought to the external forum. A suitable salutary penance proportionate to the offense should be imposed.

7. To dispense, for the purpose of enabling him or her to ask for the conjugal rights, a person who has violated a vow of perfect and perpetual chastity privately made after completing the age of eighteen, when the person contracted marriage while bound by the vow. The person should be warned that he or she remains bound to observe the vow outside the lawful use of marriage, and in case he or she survives the other party to the marriage.

8. To dispense from the impediment of crime when it is occult, provided there is no question of any plotting of death, and the marriage is already contracted. The putative spouses should be informed that it is necessary to make a secret renewal of consent, and a grave and long salutary penance should be imposed on them.

Also to dispense from the same occult impediment, without any plotting of death, even for marriages to be contracted, enjoining a grave and long salutary penance.

9. To dispense from the irregularity arising from voluntary homicide or abortion, mentioned in canon 985, 4°, but only to the end that the penitent may without danger of infamy or scandal be able to exercise Orders which he has already received; and the penitent should be obliged, within a month, at least by letter written by himself or by another for him, without mentioning his name, to give information as to all the circumstances of the case, especially as to how often he committed the crime, and to have recourse to the Sacred Penitentiary and to observe its rulings, under pain of suspension *a divinis,* to be incurred *ipso facto.*

10. To grant upon the usual conditions:

A plenary indulgence, to be gained by the faithful who:

a) shall have assisted at a Mass celebrated in pontificals by the Ordinary on a day designated by the said Ordinary once a year in the various parts of the diocese;

b) shall have devoutly visited a church or public or semipublic

oratory, while the Ordinary was actually making his pastoral visitation there;

c) shall have visited during the time of the diocesan Synod, the church in which the Synod is being held;

d) shall have, on a day of general Communion declared by the Ordinary once a year in the Cathedral or some other church, received Holy Communion there;

c) shall have heard at least half of the sermons during missions which are held in the diocese with the permission of the Ordinary.

(Official Note. *1. The above-named faculties of absolving from censures and of dispensing, which are granted by special authority of the Holy See to the Ordinary, may be used by him for the forum of conscience, even outside of sacramental confession, in the case of his subjects, even outside the diocese when either he or the subject or both are outside the diocese, and in the case of persons who arc not his subjects, within his own territory. The Ordinary may also delegate the said faculties, within the limits of his diocese only, even habitually if he chooses, to the Canon Penitentiary and to the rural deans, likewise for the forum of conscience and in the act of sacramental confession only. To other confessors when they shall apply to him in particular cases, he may grant the faculties for the case presented; unless for special reasons he shall judge it expedient to delegate them to certain confessors specially designated, for a time to be fixed at his discretion.*

(2. *The faculty of granting the indulgences above described can be delegated to no one, but is to be exercised only by the Ordinary himself.')*

Rules Regarding Fees

1. No fee is to be charged for the permission to read and keep forbidden books.

2. Likewise, no fee is to be charged for the faculties of the Sacred Penitentiary. These are to be granted entirely free of charge.

3. As regards dispensations and sanations for marriage — the faculties for which are granted either by the Holy Office or by the Sacred Congregation of the Sacraments — the Ordinary is to see to it that parties who are able to pay make a *fair and suitable* offering according to the practice which is legitimately in effect in the Curias.

4. As regards the alienation of ecclesiastical property, dealt with in the faculty from the Sacred Consistorial Congregation, it is rather *fitting* that an offering be made to the Holy See according to the judgment of the Ordinary, when any advantage or benefit has been derived.

5. The regular fee for other induits granted in virtue of the faculties which are enumerated in this schedule, should be. . . .

6. These fees, however, shall be moderated or dispensed according to need, owing to the poverty of petitioners, or other just causes, *at the prudent and conscientious discretion oj the Ordinary.*

7. The sum total of all the fees and offerings which the Ordinary shall have actually taken in, shall at the end of each year be forwarded to the Holy See *through the Sacred Consistorial Congregation,* with a notation on separate sheets of the amounts that belong to the various Sacred Congregations.

8. However, if a fee, even according to the meaning of canon 1056, is added by the local Ordinary for his own necessities or those of the diocese, it should be determined according to the norm in canon 1507, § 1, without prejudice to the provisions of n. 6.

(Private) ; S. C. Consist.

Note. This is the latest (1954) schedule of quinquennial faculties granted to the local Ordinaries of the United States and is valid to the end of 1959. It *entirely supplants* the earlier schedules which were published in the Canon Law Digest, 1, pp. 61-72; 2, pp. 5-18; 3, pp. 4CM5.

Grateful acknowledgment is made to the Most Reverend Paul C. Schulte, Archbishop of Indianapolis, for supplying us with the Latin text through his Chancellor, the Right Reverend Monsignor Henry F. Dugan.

CANON 81

Dispensation by Ordinary From Minor Matrimonial Impediment in Urgent Case: Seventeen Days Held Insufficient for Recourse to Holy Sec From France (Rota. 30 Jan.. 1953) Private.

In this marriage case tried by the Rota, the marriage was contracted with a dispensation from consanguinity in the third

degree of the collateral line (c. 1076, § 2). The dispensation had been given by the competent Ordinary in virtue of canon 81. In the suit for nullity of the marriage it was claimed that the dispensation was invalid.

Points of law involved in the decision:

1. The impediment is clearly of minor grade according to canons 96, §3 and 1042, §2, 1°.

2. Even though *all* the preparations for the wedding had not been made, there could still exist the general urgency mentioned in canon 81; in which case the Ordinary (but not the pastor) could validly grant the dispensation, even though all the conditions of canon 1045 were not fulfilled (Code Commission. 27 July, 1942)?

3. This general urgency (so far as the difficulty of recourse to the Holy See is concerned) is verified when the Ordinary has only seventeen days for recourse to the Holy Sec from France.

The Decision: *Non constarc de nullitatc matrimonii in casu.*

(Private); Rota, 30 Jan., 1953. Reported in *Monitor Ecclesiasticus,* 1955, p. 49.

CANON 84

Dispensation by Inferior Is Invalid If No .Inst and Reasonable Cause Existed, Although It Was Believed in Good Faith to Exist (Rota, 28 March, 1952) Private.

In a case for the nullity of marriage decided by the Rota, *coram* Staffa, 28 March, 1952, the issue depended on the validity of a dispensation granted by the Ordinary in virtue of canons 81 and 1045. The decision presents the following point of law.

Two principles are clearly stated in canon 84: 1) a dispensation granted by an inferior (for example, an Ordinary in the case of a pontifical law) is invalid if no just and reasonable cause existed; 2) in doubt as to the sufficiency of the cause, the dispensation is licitly asked and can be licitly and validly granted.

What if the Ordinary believed in good faith that a sufficient

| AAS, 34-241 ; Canon Law Digest, 2, p. 45.

cause existed, but it afterward appears with certainty that it did not?

This was formerly a disputed question. Many held for the validity of the dispensation (Sanchez, Laymann, Schmalzgrueber, de Justis); others (de Salas, Bonacina, St. Alphonsus, D'Annibale) denied the validity.

The Code makes only one exception to the rule given in canon 84, § 1, namely, by providing in § 2 that in case of *doubt* as to the sufficiency of the cause, the dispensation is valid. The present case is not one of doubt but of *error.*

It being now proved with certainty that no sufficient cause existed, the dispensation was and is invalid.

(Private); Rota, 28 March, 1952; reported in *Monitor Ecclesiasticus,* 1953, p. 589.

I

Validity of Dispensation: Sufficiency of Cause: Maronite Law on Consanguinity Before "*Crebrae Allatae*" (Rota, 23 March, 1956) Private.

Facts: A woman of the Latin rite contracted marriage in 1940 with a Maronite man in the Maronite church in Beyrouth. The parties were related by consanguinity in the collateral line, in the fourth degree touching the third. This is not an impediment according to the Latin Code, but was a diriment impediment for Maronites according to the Synod of Lebanon of 1736, which remained in effect up to the *Motu proprio, Crebrae allatae,* of 1949? The man was therefore subject directly to an impediment of consanguinity, whereas the woman was not. But the marriage as a whole was subject to this impediment (c. 1036, §3). A dispensation had been granted by the Maronite Patriarch, but nullity is sought on the ground that the dispensation was invalid because the reasons for the dispensation were false or insufficient. On this question the pre-Code Maronite law agrees with the Latin Code of Canon Law; hence the discussion is based on the practice of the Roman Curia and the opinions of the older canonists.

I The decision contains a useful discussion of the pre-Code Maronite law, which wc are compelled to omit I

The Law: *Necessity of a Sufficient Cause for the Validity of a Dispensation.* Three classes of cases are distinguished:

1. First Case: The dispensation is granted *with certain antecedent knowledge that no just and sufficient cause exists.*

a) In this case, if the dispensation is granted by an *inferior* (to the legislator), it is invalid according to canon 84, § 1.

ὐ) This rule, however, is based on the presumption of the legislator's intention in granting the faculty to the inferior. Consequently, if the contrary intention is clearly manifested in the grant of the faculty, the presumption does not apply and the dispensation, even by an inferior and without just cause, would be valid.

c) If the dispensation is granted by the *legislator* with full and certain knowledge of the absence of just cause, it is valid.

2. Second Case: The dispensation is granted *in the erroneous belief that no sufficient cause exists.* In this case the dispensation is valid, whether granted by the legislator or by an inferior having the faculty. It is the objective truth that governs, not mere opinion.

3. Third Case: The dispensation is granted *in the erroneous belief that a sufficient cause exists,* whereas in reality it does not.

a) If the error is due to knowingly false representations on the part of the petitioner, the dispensation is invalid.

b) If the matter was honestly presented and the dispenser in good faith (but erroneously) believes that the cause is sufficient, some of the old authorities held that the dispensation was valid, whether given by the legislator or by an inferior; others held it invalid in both cases.

Doubt as to the Existence or Sufficiency of the Cause. On this question it was more commonly held that the dispensation was valid if only the *sufficiency* of the cause were in doubt, but that it was invalid if its very *existence* were doubtful.

Canonical Sufficiency of Various Causes. Under this head various causes are discussed *{amor oratorum, inexistentia optabilioris coniugii, aetas superadulta mulieris, defectus dotis, propositum contrahendi propalatum,* etc.). Although the discussion and the references given are valuable, the matter is too detailed to be reported here.

Causes Not Mentioned in the Petition. A final point is note-

worthy. The Patriarch, in the rescript granting the dispensation, added two causes to those mentioned in the petition. The petition had alleged only two: *amor oratorum* and *inexistentia optabilioris coniugii.* To these the Patriarch added: *actas superadulta* and *sponsalitia.* It was contended that this invalidated the dispensation. The Court finds no merit in this contention. One who dispenses can omit in the rescript some of the causes alleged in the petition: he can also add of his own knowledge causes not alleged.

Decision: The dispensation was valid. *Non constat de matrimonii nullitate.*

(Private); Rota, 23 March, 1956, *corant* Staffa; reported in *Monitor Ecclesiasticus,* 1956, p. 253.

Insincere *Cautiones:* Causing nullity of dispensation. See c. 1071; summary of decisions, private.

BOOK II

PERSONS

Canons 87 - 725

BOOK II

PERSONS

Canons 87 ' 725

CANON 97

Affinity Contracted in Infidelity Becomes an Impediment to Marriage Upon the Baptism of Even One of the Parties (Holy Office, 31 Jan., 1957) AAS 49-77.

The Holy Office was asked:

Question: Whether affinity which was contracted in infidelity becomes an impediment for marriages which are contracted after the baptism even of only one of the parties.

Reply: The Eminent and Most Reverend Cardinals who are in charge of matters of faith and morals, after hearing the opinions of Consultons, decided to reply (on Wednesday 16 Jan.. 1957): in the *affirmative.*

On Thursday the 24th of the same month and year, His Holiness by Divine Providence Pope Pius XII, in the Audience granted to the Eminent and Most Reverend Cardinal Pro-Secretary of the Holy Office, approved the resolution of the Eminent Fathers when it was referred to him, and ordered that it be published.

Given at Rome, from the Holy Office, 31 Jan., 1957.

AAS 49–77; Holy Office, 31 Jan., 1957.

CANON 100

Diocese as a Moral Person. Sec c. 1195; Code Com.. 23 June, 1953, private.

CANON 121

Religious Who Are Obliged to Military Service (S. C Rel., Decree, 30 July, 1957) AAS 49-871.

A Decree of the Sacred Congregation of Religious "concernini religious who are bound to military service" is as follows:

Experience has shown that military service, which is imposes by the civil authority on religious and members of Societies of common life in disregard of the privilege of clerical immunity, may easily jeopardize a divine vocation and the religious spirit To meet so serious a danger the Holy See has deemed it appropriate and necessary to establish definite regulations.

To this end the Sacred Congregation of Religious, on January 11, 1911, issued the Decree *"Inter reliquas,"*[1] which had been confirmed by the special approval of Saint Pius X, and interpreted and applied it through repeated declarations, as for example those of 1 Feb., 1912,[2] 15 July[3] and 30 Nov., 1919,[4] and 16 March, 1922.[5]

Since, however, the actual conditions of military service have greatly changed in these most recent times and since more effective means of preservation are now available, it has been decided to reconsider the entire subject.

Accordingly, after having carefully considered the matter in the Plenary Meeting of the Most Eminent Fathers and with the approval of His Holiness Pius Nil given in the Audience of 30 July, 1957. this Sacred Congregation has decided to decree as follows.

Art. 1—*The Notion of Military Service*

Military service in this Decree means the ordinary service which young religious, when first received in some branch of the service and placed under military authority and discipline, are by civil law obliged to render for at least six months, continuously or intermittently, either by bearing arms or by servins

1 AAS 3-37; Canon Law Digest, 1, p. 106
2 AAS 4-246.
' AAS 11-321, Canon Law Digest, 1, p. 105
4 AAS 12-73; Canon Law Digest, 1, p. 109.
s AAS 14-196; Canon Law Digest, 1, p 311.

in any auxiliary capacity, even in that pertaining to sanitation and health.

Art. 2 — *Perpetual Vows and Military Service*

Xo une can be validly admitted to perpetual profession before he has performed his military service or has been absolutely declared unfit for it, or has for any reason become legitimately and permanently free from the obligation to serve.

Art. 3 — *Temporary Vows and Military Service*

§ 1. The temporary vows of a religious who has been called to the service are suspended when he comes under military discipline, without prejudice to the prescription of § 2.

§2. However, the major Superior with the advice of his Con suitors can, according to his conscience and prudence, permit a religious called to military service, who asks for the favor and is certainly worthy of it, to remain under temporary vows during such service, for a definite time or *ad nutum*.

§3. During the period of military discipline the same Superior for just and serious cause can, by a notice in writing, suspend the vows which were allowed to a religious according to paragraph 2; and he can likewise grant the restoration of the same vows, which were suspended either at the beginning of military service or afterward.

\rt. 4 — *The Juridical Condition oj a Religious during MHitary Service*

$ I. During military service the religious is legitimately absent from the religious house, and consequently remains bound by those obligations of the religious life which, in the judgment of the major Superior, are reconcilable with his military status.

§ 2. The time which one has spent in military service while bound by religious vows according to Art. 3, §§ 2 and 3, can be counted for the purpose of canon 574 § 1, without prejudice to Art. 6.

§3. A religious, although he be not bound by vows during military service, continues to be a member of his institute and under the authority of his Superiors.

§4. A religious who is not bound by vows can, in accordance with canon 637, freely leave the Institute, having previously as a condition for the validity of his action, given notice thereof

to his Superiors by a declaration in writing, or by an oral declaration made in the presence of witnesses. An oral declaration is effective immediately: a written one becomes effective when the religious is informed that the Superior has received it.

Similarly, and observing the same formalities, the Institute can declare the religious dismissed for just and reasonable causes according to the same canon 637.

Art. 5 — *Poverty*

As regards property which religious may acquire during their military service or which may afterward come to them from such service, whether they were during their service bound by their vows or freed from them, the following are to be observed

§ 1. 1) Whatever the religious acquires through his own industry or because he is a religious, is the property of the Institute.

2) He acquires by his own industry his military pay and in general whatever comes to him because he is in the service.

§ 2. DA gratuity which is given to a professed of simple vows and which can accrue to his patrimony, shall be considered like a dowry, to be converted into capital whose income shall be received by the Institute as long as the individual remains in it. At his death the capital becomes the property of the Institute. If the religious for any reason leaves the Institute, it is to be restored to him in its entiretv, without the interest that has already accrued. In the case of regulars canons 581 and 582 are to be observed.

2) Pensions which come to a religious because of outstanding merit or by' reason of wounds received or disease contracted in military service, are turned over tn the Institute and belong to it as long as he remains in it: the individual acquires them for himself if he leaves.

3) Gratuities, gifts, or any such largesses given on account of the death of a religious in military service, go to the Institute if he was a member thereof at the time of death.

Art. 6 — *The Probation ajtcr Military Service*

Without prejudice to canon 574. a religious after finishing his military service, is to remain for some time under the regime of the common life and in temporary vows. As a rule this time

should not be less than three months. The major Superior with the advice of his Council can for a grave reason shorten this period, or according to his prudent judgment extend it to a year before admitting the religious to perpetual profession.

Art. 7 — *Extension oj this Decree*

§ 1. The prescriptions of the above Articles, with appropriate adjustments, are binding also on Societies of common life without vows.

§2. Without prejudice to canon 556, § 1, novices who are called to military service, unless they have been legitimately dismissed or have left of their own accord, continue to belong to the Institute and enjoy the privileges of novices.

Art. 8 — *Relation to the Previous Law*

All religious professions which have hitherto been made contrary to the prescriptions of the Decree *"Inter reliquas"* or of the succeeding declarations, are healed as to all canonical effects by the present Decree.

All things to the contrary notwithstanding; and all privileges and concessions hitherto given in this matter are revoked.

Given at Rome, the 30th of July, 1957.

AAS 49–871 ; S. C. Rd., Decree, 30 July, 1957.

CANON 124

Vocation to Secular Clergy: the Call to Perfection (Seer, of State, Letter, 13 July, 1952) Private.

The following is an extract from a Letter of the Secretariate of State. The letter was published by order of Cardinal van Roey in *Collectanea Mechlinicnsia* for November, 1952. This extract is taken from *Commentarium pro Religiosis,* 1953, p. 48.

1. When it is stated that a priest who desires to tend toward perfection ought to become a religious or at least a member of a Secular Institute; and if, to a young man who is hesitating between the secular priesthood and entering religion, one replies that it is a question of generosity; when it is asserted that one who chooses

the secular clergy shows that he is not generous enough to give himself entirely to the service of God; when it is felt that a young man who is hesitating as above cannot be advised to enter the seminary rather than a religious institute; if certain persons go so far as to say that the Church "tolerates" the secular clergy as a last resort, but that the ideal would be that all priests be religious

all this represents a false understanding and mistaken application of the Allocution of the Holy Father of 8 Dec., 1950 (/LIS, Vol. 43, p. 26)? Bishops are within their rights if they oppose a practice of propaganda to recruit members for religious societies, which is based on theological foundations that are inexact and likely to mislead, which practically is at least not very loyal, and if they impose just and firm limits to such propaganda by administrative decree.

2. The aforesaid Allocution of His Holiness had as its first purpose to clarify and set right three questions:

a) What is the place of the religious clergy in relation to the secular clergy in the constitution which Christ gave to His Church *(loc. cit.,* pp. 27-29). The reply was: "If we keep before our eyes the order established by Christ, neither of the two special forms of clerical life holds a prerogative of divine right, since that law singles out neither form, nor gives to either precedence over the other" (p. 28).

b) What is the relation of the "cleric" and of the "religious" as regards the "state of perfection" as a state of the evangelical counsels (p. 29)? The reply: "A cleric is not bound by the divine law to observe the evangelical counsels of poverty, chastity, and obedience; above all he is not bound in the same way or for the same reason as the one for whom such obligation arises from vows publicly pronounced upon entering the religious life. This does not. however, prevent the cleric from assuming these bonds privately and of his own accord. . . . Moreover a member of the regular clergy professes the state and condition of evangelical perfection not inasmuch as he is a cleric, but inasmuch as he is a religious" (p. 29). For that matter, it was expressly stated that even "Secular Institutes" realize the essence of the "state of perfection," "since their members are in some way bound to the observance of the evangelical counsels" (p. 29). If "clerics"

' Canon Law Digest, 3t p. 119

are united as such in a "Secular Institute," then they too "are in a state of acquiring perfection not inasmuch as they are clerics but inasmuch as they are members of a Secular Institute" (p. 30).

c) What are the objective reasons for embracing the religious state (p. 30)?

What is said in the Allocution of the Pope on the religious state in itself, as a state of perfection, must not — as happens to certain religious societies in their manner of recruitment against which the complaints are made — be identified with the vocation of the individual to personal perfection, whether in the "state of perfection" or outside it.

The three clarifications mentioned above do not concern immediately individual perfection, but the state, its legal status and intimate nature. Hence they do not touch the perfection of the individual in his state, or the vocation of the individual to a determined state in the Church, or the perfection which the individual in fact attains in his state or in his vocation.

It is not, therefore, the personal perfection of the individual which is being discussed. That is measured by the degree of love, of "theological charity" which he has. The criterion of the intensity and purity of love is, according to the words of the Master, the fulfillment of the will of God. Hence before God the individual is personally the more perfect, the more perfectly he fulfills the divine will. In that respect it makes little difference in what state his life is cast, whether he be lay or ecclesiastic, and in the case of a priest, whether he be secular or regular.

Consequently it would not be true to say that the secular priest, as regards his personal holiness, is less called to perfection than the regular priest; or that the choice of a secular priestly vocation by a young man is a determination to a lesser personal perfection than if he had chosen the priesthood in the religious state. It may be that such is the case; it may also be that the choice by an individual of a state other than the state of perfection springs from a greater love of God and a higher spirit of sacrifice than does the choice of the religious life by another.

As regards the priest, and the same is true of the candidate for the priesthood, it is not difficult to sec that by reason of the dignity of the duties of the priestly function, he too is called in a very special way to personal perfection. This is true even in the case where the one who is endowed with the priestly function

is living legitimately in the "state of marriage," as happens in the Oriental rites.

In conclusion then we must say this: the vocation of the individual to holiness or personal perfection, and the adoption and permanent practice of such perfection, must not be confused with the question of the "state of perfection" in the juridical sense of the term. The state of perfection is so called and is such because, through the three evangelical counsels, it removes the chief obstacles to the effort toward personal holiness, or to speak more exactly, because it is of its nature suited to keep them out of the way. But, that this state should realize all its potentialities in the life of an individual religious, and so lead effectively to actual holiness, is not assured by the mere fact of having embraced the state of perfection; it depends on the efforts put forth by the subject and the measure in which, in cooperation with the grace of God, he makes the evangelical counsels active in his life.

(Private); Secretariate of State; Letter to Cardinal van Roey, 13 July, 1952. *Commentarium pro Religiosis,* 1953, p. 48.

Nihil Obstat Refused for Extraliturgical Prayers According to the New Psalter, Where Only Parts of the Psalms Were to Be Used (S. C. Rit., 8 Nov., 1952) Private.

An author of extraliturgical prayers in which the new version of the Psalter was used, but only *selections* from the Psalms were reproduced in the prayers, was refused the *Nihil obstat* for publication. On recourse to the Sacred Congregation of Rites against this decision, the following reply was received:

Reply: In your petition of the third of November of this year concerning the use of the new version of the Psalms in extraliturgical prayers, the Sacred Congregation of Rites replies:

The Response of 22 October, 1947? concerning the use of the new Psalter outside the canonical hours is to be observed.

(Private) ; S C Rit., 8 Nov., 1952. From a private source, not published.

l AAS, 39-508; Canon Law Digest, 3, p. 67.

Divine Office: How Far Obligation Satisfied by Priest Celebrating Conventual Mass (S. C. Rit., 27 April, 1956) Private.

The Procurator General of the Congregation of Priests of the Most Blessed Sacrament humbly represented to the Sacred Congregation of Rites that there had been published in various periodicals the opinion that a priest who celebrates the Conventual Mass is not bound to supply privately the recitation of the small Hour (Terce, Sext, or None) which was recited in choir while he was vesting in the sacristy; just as in the case of a Bishop according to the Reply of the S. C. of the Council *"Lincien."* of 9 July, 1921?

Hence it is asked:

1. Whether this opinion can be rightly sustained; and

2. If not, whether, since the Decree on reducing the Rubrics to a simpler form, the Celebrant and his ministers can be dispensed from this recitation if they leave the choir only after the *"Deus in adiutorium meum intende?'* and the recitation of the Hymn.

Reply: The Sacred Congregation of Rites after having carefully considered the matter decided to reply:

1. In the negative.

2. In the negative.

And in this sense it replied, declared, and prescribed, 27 April, 1956.

(Private); S. C. Rit., 27 Apr., 1956; reported in *Periodica,* Vol. 46 (1957), p. 370.

Appreciation of the Divine Office: Letter on, from S. C. of Sem. and Univ., 2 Feb., 1945; reported in *II Monitore Ecclesiastico,* 58 (1946) 157. English version by T. L. Bouscarcn, S.J., published by Grail Publications, St. Mcinrad, Indiana.

Rubrics of Breviary: Simplified. Sec c. 2; Decree, 23 March, 1955, and replies.

CANON 139

Priest Workers: Three Published Official Documents (S. C. Sem., 27 July, 1953; Declaration of French Cardinals; Declaration of French Bishops, 19 Jan., 1954) Private.

'AAS 13-477; Canon Law Digest, 1, p. 121.

The *Commentarium pro Religiosis,* λΓο1. 33 (1954), p. 41, after a brief introduction in Latin, gives three official documents in French. We present an exact translation of the introduction and of the three documents.

DOCUMENTS ON PRIEST WORKERS

We have gathered three of the principal ecclesiastical documents which have been made public, concerning the apostolate of the so-called *Priest Workers.* I. A Letter of the S. C. of Seminaries and Universities to the Archbishops and Bishops of France; II. A Declaration of the Commission of French Cardinals upon their return to France after their consultation in Rome; III. A Declaration of the Bishops of France who have Priest Workers under their jurisdiction, after the Congress held in Paris, 19 January, 1954.

It is probable that the Sacred Consistorial Congregation and the Sacred Congregation of Religious have issued special decrees for their respective competencies; but these, with great discretion, have remained reserved.

I. *A Letter of the S. C. of Seminaries*

To Their Most Reverend Excellencies,
the Archbishops and Bishops of France

Rome, 27 July, 1953

Your Excellency:

In some dioceses of France the practice has been introduced of allowing to seminarians a "stage" in direct contact with the people, to the end that they may gain a more intimate knowledge of the dechristianized masses among whom, when they become priests, they will have to exercise their priestly ministry. It is not unusual for young aspirants to the priesthood to find employment during the vacation as regular workmen in factories or docks, on ships, in hotels, and so forth.

Certainly one can well credit with sincerity the zeal which inspires such apostolic experiments; these seminarians are responding to a holy desire to reach a world so far removed from and yet so eager for the Christian ideal. Nor can we doubt the good faith of those who. distressed by the sad spectacle of a society shockingly removed from the influence of the Church, are striving to discover new methods of apostolate, and consider it legitimate to

engage seminarians specifically in such works during the years of their ecclesiastical formation.

The S. C. of Seminaries and Universities does not mean to pronounce an appraising judgment on the theoretical goodness of such projects, which may well present some undoubtedly attractive aspects. This consideration has already in the past prompted an attitude of prudent waiting: events themselves would determine the value of the practical results. But several years of experience make it possible now to say, on the strength of documented proofs, that these projects are failing of their purpose; nay more, their results are rather negative as regards the training of young clerics, and for that reason they are rather to be discouraged.

Accordingly, this Sacred Congregation, moved solely by the desire to fulfill its grave obligation to cooperate with the Hierarchy of France, after mature deliberation, absolutely forbids all students of seminaries in France, without exception, to engage themselves as "stagiaires" in any kind of work. And, that there may be no exceptions, the S. C. asks their Most Reverend Excellencies the Archbishops and Bishops to revoke any permission they may heretofore have given.

Thanks to the assiduous and constant labors of wise educators who can gradually put seminarians in contact with the outside world without compromising their ecclesiastical training, we think it is possible even today to train authentic apostles who measure up to the more difficult and specific tasks of the modern ministry. We must not forget the precious collaboration of the pastor, who is the natural auxiliary of the Seminary in the formation of clerics. It is he who will take care to initiate the young clerics in the different forms of the apostolate during the time of vacation, with prudent diligence and upon his personal responsibility.

Strengthened by this charitable help, the seminarian will easily assimilate the principles which little by little will make of him *"homo Dei ad onine opus bonum instructus,"* a capable workman in the vinevard of the Lord.

Your Excellency's most humble servant.

Joseph, Card. Pizzardo.

IL *A Declaration of the French Cardinals*

Cardinals Liénart, Gerlier, and Feltin, who came to Rome in order to present their views on Priest Workers to the Holy See, were received as a group by the Sovereign Pontiff.

This meeting, marked by great confidence on both sides, paternal and filial, brought out clearly — together with the anguish of the Holy Father, which is shared by the Cardinals, at the formidable difficulties and dangers of this apostolate — the definite determination of the Church never at any cost to abandon the effort she is making for the evangelization of the masses of workers, sadly dechristianized.

After ten years of trial the experiment of the Priest Workers as it has developed up to now, cannot be continued in its present form. But the Church, solicitous to preserve the contact which has been established between herself and the world of labor by the pioneers in this Apostolate, is quite willing that priests who have given proof of the requisite qualifications should carry on a priestly apostolate in a thoroughly working-class environment.

However, she requires:

1) That these priests be especially selected by their Bishop.

2) That they receive a suitable and solid training, both as regards doctrine and spiritual direction.

3) That they apply themselves to manual labor during only a limited time, so as to safeguard for them the readiness to meet all the exigencies of their priestly state.

4) That they accept no temporal assignment which might lead to responsibilities in connection with labor unions, or other offices which should be left to laymen.

5) That they do not live by themselves, but be attached to a parish and contribute some collaboration to the life of the parish.

Investigations will be made, in accord with the Holy See, to determine ways and means of applying these norms; their execution must be undertaken calmly and pursued with a high spirit of faith and docility to the Church.

Pierre-Marie, Card. Gerlier
Archbishop of Lyon

Achille. Card. Liénart
Archbishop of Lille

Maurice, Card. Feltin
Archbishop of Paris

III. *A Declaration oj the French Bishops Who Have Priest Workers Undcr Their Jurisdiction*

After their meeting in Paris on 19 Jan., 1954, the Bishops of France who have Priest Workers in their dioceses or under their jurisdiction, issued the following Declaration:

1. *The Evangelization oj the World oj Labor.* Profoundly distressed by the religious situation of the world of labor, We the Bishops here present, while once more expressing our regard for the priests who are devoting themselves to the service of working people in the parochial ministry, as well as for the lay apostles of the J.O.C. and the A.C.O.,[1] deem it necessary, at least in certain districts, to assign a certain number of priests to a special apostolate designed to make the Gospel and the Church more accessible to the working class. We are therefore decided to set aside priests so that, in alliance with the parochial clergy and the militant laity, a priestly apostolate in the world of labor may be assured.

2. *Form oj the Priestly Apostolate in the World oj Labor.* The Church alone can decide what forms of life are compatible with the exercise of the priesthood. While We recognize the generosity and the magnificent devotion of the priests whom we had sent into the field of labor and permitted to work in factories, We declare, in intimate union with the Sovereign Pontiff, that this experiment, as it has developed up to now, cannot be continued in its present form, and that henceforth the priestly apostolate in the field of labor must conform to the directives contained in the declaration of Cardinals Liénart, Gerlier, and Feltin, a declaration which was approved by the Holy Father.

3. *Exigencies of the Priestly Life.* The Church wishes first of all to safeguard that which constitutes the proper mission of the priest. It is priests that she wishes to give to the world of labor, priests who, while they live in that environment and for its benefit, live a completely sacerdotal life. Now, the priest is consecrated to offer to God the adoration of all the people, in the first place by the celebration of Holy Mass and the public prayer of the Breviary. He is moreover the dispenser to men of the divine blessings, by the preaching of the word of God, and the administration

[1] Jeunesse Ouvrière Chrétienne and Action Catholique Ouvrière.

of the Sacraments. That is why the Church demands that the priests whom she sends into the labor environment shall hereafter work for only a limited time. It is also to safeguard the essential orientation of their priesthood that she requires them to renounce all temporal engagements. In order that in the future there may no longer be any room for confusion, the priests who shall exercise an apostolate in the labor environment shall no longer be called Priest Workers but "Priests of the Labor Mission."

4. *The Church and Manual Labor.* The Church has always held manual work in honor, first of all in the Person of Our Lord Jesus Christ, who, though the Son of God, chose to work with His hands. The Apostle Saint Paul worked. In certain monasteries not only the lay brothers but also the priests devote several hours every day to manual work. If the Church demands that Priests of the Labor Mission work for only a limited time each day, it is to enable them to fulfill all the duties of prayer and the apostolate. which they assumed in becoming priests.

5. .1 *Call to Prayer.* The Bishops ask the clergy and the faithful to pray for those priests who, having engaged themselves little by little in a form of life and activity which cannot be continued, surely suffer from the directives now given. In conformity with the Declaration of the three Cardinals, We the Bishops here present have informed them of the practical norms to be applied. More than ever in these hours of trial they need the prayers of all.

Private); Documents published in *Commentarium pro Religiosis,* Vol. 33, pp. 41-45.

Active Participation in Politics Forbidden to Priests in Hungary (S. C. Cone., 16 July, 1957) AAS 49-637.

A Decree of the Sacred Congregation of the Council:

Since active participation in politics is not appropriate for ecclesiastics, whose work is entirely directed to the spiritual good of souls, the Church has permitted it only' in altogether peculiar circumstances and under very definite conditions, or has expressly forbidden it even under pain of suitable penalties, when some harm to the faithful was to be feared from it.

The conditions in Hungary today are such that it is altogether desirable that in that country ecclesiastics should abstain completely from any' political activity.

Wherefore this S. C. of the Council, by special mandate of His Holiness Pius XII, decrees the following:

Priests both secular and religious in Hungary are forbidden to seek or to accept the office of Deputy or any other office whatever in the Parliament.

Priests either secular or religious, who already hold any office in the said Parliament, are ordered to give it up within a month from the publication of this Decree, and are also forbidden to attend the sessions of the Parliament or to perform any service or engage in any activities connected with the office which they have given up.

If any one — which God forbid — behaves in a manner contrary to these regulations, he will incur *ipso jacto* an excommunication specially reserved to the Holy See.

All things to the contrary notwithstanding, even though they be worthy of special mention.

Given at Rome, the 16th of July, 1957.

AAS 49-637; S. C. Cone., 16 July, 1957.

CANON 147

Hungarian Priest Declared Excommunicated: Further Provisions Against Rebellious Priests in Hungary (S. C. Cone., Decree, 21 Jan., 1957) AAS 49-38.

A Decree of the S. C. of the Council:

Since the priest, Recaredus Horvath, a Cistercian religious in Hungary, has contrived against the legitimate Ecclesiastical Authorities and has attempted to subvert their power, the Sacred Congregation of the Council, in accordance with the Decree "on canonical appointments to or provision for ecclesiastical offices and benefices" under date of 29 June, 1950,[1] by special mandate of His Holiness Pius XII, declares that the aforesaid priest has incurred the excommunication specially reserved to the Holy See.

Moreover the same Sacred Congregation, in virtue of the same special mandate, decrees as follows:

1. Secular or religious priests who, in Hungary — either because their appointments to ecclesiastical offices or benefices were found not conformed to the provisions of canon law. or because

[1] AAS 42-601; Canon Law Digest, 3, p. 69.

their fulfillment of the charges which they assumed was unsatisfactory— have been in any way removed or suspended from the office or benefice by their own Ordinary or by the Ordinary of the place, or have been forbidden to exercise their orders, cannot be absolved or dispensed until:

they shall have absolutely and definitively given up whatever ecclesiastical offices they had theretofore held, and shall have obeyed the legitimate Ecclesiastical Authority in all respects;

if they are secular priests from another diocese, until they shall have returned to that same diocese; if they are religious priests, until they shall have departed from the diocese in which they were holding the aforesaid offices or benefices.

2. These priests are declared incapable of offices in a diocesan Curia, of canonries, of any offices in cathedral churches or in seminaries, of the office of vicar forane, and of the office oi pastor in the city of Budapest and in any other city or town in which there is an episcopal See or a deanery; consequently these offices, benefices, and charges can by no means be conferred on them without consulting the Holy See.

3. If they refuse to obey — which God forbid — they incur *ipso jacto* an excommunication specially reserved to the Holy See.

All things to the contrary notwithstanding, even though they be worthy of special mention.

Given at Rome, the twenty-first of January. 1957.

AAS 49-38; S. C. Cone., Decree, 21 Jan., 1957.

CANON 211

Reduction to Lay State by Rescript, Not Effective Until Accepted by the Petitioner (S. C. Rel., 23 June, 1954)

A private reply of the S. C. of Religious:

N. 0364/54 23 June, 1954

After fully considering the petition by which the priest N.N., professed of solemn vows in . . . asked for an induit of rehabilitation, this Sacred Congregation, in view of all the circumstances decided to reply and does reply as follows:

There is no need of an induit of rehabilitation, since

to the practice of this Sacred Congregation it is necessary that a rescript of reduction to the lay state be accepted by the petitioner.

(Private); S. C. Rel., 23 June, 1954. *Commentarium pro Religiosis,* 1954 (Gutiérrez).

Note: In this case the petitioner had not accepted the Rescript, and the Sacred Congregation holds that it consequently never took effect.

A rescript of reduction to the lay state is therefore *in this respect* analagous to an induit of secularization, which must be accepted before it is effective, even though the rescript has been executed (cf. S. C. Rel., 1 Aug., 1922; AAS 14-501; Canon Law Digest, 1, p. 326).

Reduction to the lay state becomes effective without acceptance in the following cases:

) When it is enacted by way of administrative decree, as is done by the S. C. of the Council, and also by the S. C. of Religious when laicization is imposed as a penalty;

) When it is granted as a rescript at the request of another party (e.g., the religious Institute) against the will of the subject, and so is really imposed on him for the common good, though not strictly as a penalty.

No time is specified for the acceptance of the subject; and in this respect it differs from the rescript of secularization, which if not accepted within ten days becomes inoperative.

The above points of practice are given by Gutiérrez in his annotations to the above reply in *Commentarium pro Religiosis,* 1954. pp. 222-224.

Priest Reduced to Lay State: Associations Dissolved and Forbidden (Holy Office, 15 Dec., 1956) AAS 49-34.

A Communication from the Holy Office:

The priest Michael Collin (who calls himself also Father Michael of Infinite Love), formerly of the Congregation of Priests of the Sacred Heart of Jesus, was reduced to the lay state by a decree of the Holy Office issued on 17 Jan., 1951?

By the same decree was dissolved the association "Institute of the Apostles of Infinite Love" which the aforesaid priest had presumed to establish without the approval of competent ecclesiastical authority.

'AAS 43-477; Canon Law Digest, 3, p. 76.

Since this same priest Collin, taking advantage of the good faith of ecclesiastics and of a religious institute of women, has dared to celebrate Mass after his reduction to the lay state this Supreme Sacred Congregation gives notice to Ordinaries, to the secular and regular clergy, and to all persons who have charge of churches or chapels, that he is still, as to all juridical effects, a layman.

Ordinaries are also informed that Collin was forbidden to re-establish under any title the association which was dissolved by the Holy Office, or to establish new ones.

Accordingly, the "Institute of the Apostles of Infinite Love" and that of the "Magnificat," likewise established by him contrary to the express prohibition of the Holy Office, are not recognized by the Church, and the faithful are forbidden to belong to them.

Rome, from the Holy Office, 15 Dec., 1956.

AAS 49-34; Holy Office, Communication, 15 Dec., 1956.

Religious Priest: Reduction to lay state. See c. 639; S. C. Roi., 19S private.

CANON 214

Religious Cleric Reduced to Lay State by Trial: Practice of the S. C. of Religious (S. C. Rel., 1952) Private.

When a religious cleric claims that he received sacred order? under coercion of grave fear and did not afterward ratify the ordination by exercising his orders, the following points of practice of the Sacred Congregations are outlined by Gutierrez in a Consultation in *Commentarium pro Religiosis,* 1952, p. 214.

1. Competency for the trial or administrative decision belongs to the Sacred Congregation of the Sacraments, or in special cases to the Holy Office, according to canons 214 and 1993. The competency of the S. C. of the Sacraments was upheld by a decision of the Special Commission of Cardinals, 7 Dec., 1922?

2. Formerly, by agreement between the two Congregations

' Canon Law Digest, 1, p. 159.

(Sacr. and Rel.), the practice was that the petition should be first presented to the S. C. of Religious, which decreed the secularization of the cleric in question and then sent the dossier to the S. C. of the Sacraments for their decision. If the petition was made to the S. C. of the Sacraments, it was sent to the S. C. of Religious and the cleric was first secularized before the S. C. of the Sacraments would decide the case.

3. This practice led to a number of incongruities and difficulties. Consequently it has, since 1952, been abandoned. According to present practice, no preliminary steps are to be taken before the S. C. of Religious, and the cleric is not secularized. Pending the trial or decision, the subject remains a religious, bound by all his *religious* obligations; the exercise of *orders* is suspended according to canon 1997. When the decision is made, the competency of the S. C. of the Sacraments is at an end. If the decision was for nullity of the orders or of the obligations, the subject can remain in religion as a lay brother; if he is to be secularized the petition is made to the S. C. of Religious. If the decision was unfavorable, he remains a cleric, either in the religious Institute as before, or upon finding a favorable Bishop according to canon 641. in a diocese, through secularization obtained with the recommendation of his religious Superiors, from the S. C. of Religious.

(Private); S. C. Rd., 1952; practice of the Sacred Congregations, outlined in *Commentarium pro Religiosis,* 1952, p. 241 (Gutierrez).

CANON 215

Africa, French and Madagascar: Hierarchy established. Pius XII, Ap Const., 14 Sept., 1955 (AAS 48-113).

Argentina: Twelve new Dioceses established. Pius XII, Ap. Const., 11 Feb., 1957 (AAS 49-653).

Praelatura Nullius: At the request of Cardinal Liénart, Chairman of the Commission governing the so-called *"Mission de France,"* an association of apostolic secular priests, the parish of Pontigny in the Archdiocese of Sens in France is erected into a *Prelacy Nullius,* with its own Prelate and independent territory, to be governed according to the common law, with some special modifications required by its peculiar circumstances. Pius XII, Ap. Const., 14 Aug., 1954 (AAS 46-567).

CANON 216

Territories Dependent on S. G. Prop. Fid. Considered Mission Lands in Favorable Matters (S. C. Prop. Fid, 11 Jan., 1930) Private.

A letter from Cardinal Van Rosstim to the Apostolic Delegate of Australia is as follows:

In your letter of the 19th of November (no. 575-29) with respect to the rite of the feast of St. Therese of the Child Jesus, Vour Excellency asks me if Australia and New Zealand should, in relation to the decree of the Sacred Congregation of Rites oi 13 March, 1929, be considered as mission lands.

To such a question let me hasten to inform You that all territories dependent on this Sacred Congregation should be considered as mission lands, at least *in favorable matters.* As such Australia and New Zealand have been considered also on other occasions, for example, when treating of the number of Masses to be applied *pro populo* (cf. telegram of this Sacred Congregation to Your Excellency, 17 March. 1922).

(Private); S. C Prop. Fid, 11 Jan, 1930; *Sylloge,* n. 151.

CANON 218

Anesthesia and Hypnotism: Moral and ascetical doctrine. Allocution. Pius XII, 24 Feb, 1957 (AAS 49-129). *The Catholic Mind,* 55 (1957)–260; *The Pope Speaks,* 4(1957)33. See also Re-animation.

Athletics and Sports: Moral and social aspects. Pius XII, Allocution 16 May, 1953 (AAS 45-408).

Atomic Weapons and Armament Control: Pius XII, Christmas Eve Message 1955 (AAS 48-26). *The Catholic Mind,* 54 (1956)-159; *The Pope Speaks,* 2 (1955)-3O1.

Boy Scouts: Congratulatory letter on occasion of jamboree in Sutton Park, England; Pius XII. 1 July, 1957 (AAS 49-737).

Coexistence and Peace: Christmas Eve Message, Pius XII, 24 Dec, 1954 (AAS 47-15). *The Catholic Mind,* 53 (1955)-178; *The Pope. Speaks.* 2 (1955)–3.

Corneal Transplants: Pius XII. Allocution, 14 May, 1956 (AAS 48-459) *The Catholic Mind,* 54 (1956)-579; *The Pope Speaks,* 3 (1956)-19S

Coronary Sclerosis: Pius XII, Allocution, 8 May, 1956 (AAS 48-454) *The Catholic Mind,* 54 (1956)-7O6; *The Pope Speaks,* 3 (1956)-185.

Encyclicals: China 7 Oct, 1954 (AAS 47-5). *The Pope Speaks,* 1 (1954)-397.

Cinema, Radio and Television: 8 Sept., 1957 (AAS 49-765). *The Catholic Mind,* 55 (1957)-539; *The Pope Speaks,* 4 (1957)-319.

Hungary: 28 Oct., 1956 (AAS 48-741). *The Catholic Mind,* 55 (1957)-82; *The Pope Speaks,* 3 (1956)-347.

Hungary: 5 Nov., 1956 (AAS 48-748). *The Catholic Mind, 55* (1957)-86; *The Pope Speaks,* 3 (1956)–353.

Lourdes: 2 July, 1957 (AAS 49-605). *The Pope Speaks,* 4 (1957)-1O7.

Marian Year: 8 Sept., 1953 (AAS 45-577). *The Catholic Mind,* 51 (1953)–738.

Missions: 21 Apr., 1957 (AAS 49-225). *The Catholic Mind,* 55 (1957)–358; *The Pope Speaks,* 4 (1957)-295.

Near East, Prayers for Peace: 1 Nov., 1956 (AAS 48-745).

Orientals: 15 Dec., 1952 (AAS 45-5). *The Catholic Mind,* 51 (1952)-244.

Queenship of the Blessed Virgin Mary: 11 Oct., 1954 (AAS 46-625). *The Pope Speaks,* 1 (1954)-323; *The Catholic Mind,* 53 (1955)-49.

Sacred Heart of Jesus: 15 May, 1956 (AAS 48-309). *The Catholic Mind,* 54 (1956)-435; *The Pope Speaks,* 3 (1956)-!15.

Sacred Music: 25 Dec., 1955 (AAS 48-5). *The Catholic Mind,* 54 (1956)–222; *The Pope Speaks,* 3 (1956)–7.

Sacred Virginity: 25 March, 1954 (.AAS 46-161). *The Pope Speaks,* 1 (1954)–101; *The Catholic Mind,* 52 (1954)–491.

Saint Andrew Bobola:' 16 May, 1957 (AAS 49-321). *The Pope Speaks,* 4 (1957)–213.

Saint Bernard: 24 May, 1953 (AAS 45-369).

Saint Boniface: 5 June, 1954 (AAS 46-337). *The Pope Speaks,* 1 (1954)-171.

Fertility and Sterility: Pius XII, Allocution, 19 May, 1956 (A.AS 48-467). *The Catholic Mind,* 54 (1956)-403; *The Pope. Speaks,* 3 (1956)-191.

Genetics: Moral aspects: Pius XII, Allocution, 7 Sept., 1953 (AAS 45-596). *The 1954 Catholic Almanac,* p. 96; *Irish Ecclesiastical Record,* 82 (1954)-191.

History and the Church: Pius XII, .Allocution, 7 Sept., 1955 (.AAS 47-672). *The Catholic Mind,* 53 (1955)–742; *The Pope Speaks,* 2 (1955)-2O5.

J. O. C.: Pius XII, Allocution to general reunion in Rome, 25 Aug., 1957 (AAS 49-837). *The Pope Speaks,* 4 (1957)-!77.

Jurists: Pius XII, Allocution, 6 Dec., 1953. Sec Preliminary Section.

Labor Unions: In Italy: Pius XII, Address to Christian Labor Unions (A.C.L.I.) on their tenth anniversary, 1 May, 1955 (A.AS 47-402). *The Catholic Mind,* 53 (1955)–564; *The Pope Speaks,* 2 (1955)–147.

Principles and applications for Catholic labor unions: Pius XII, Allocution, 1 May, 1956 (A.AS 48-287). *The Pope Speaks,* 3 (1956)–177; *The Catholic Mind,* 54 (1956)-403.

Liturgy: Pius XII, Address to International Congress at Assisi, 22 Sept., 1956 (A.AS 48-711). *The Pope Speaks,* 3 (1956)-273.

Luke Wadding: Third centenary of his death: Pius XII, Allocution *in English* to pilgrims from Ireland led by Cardinal D'Alton, Archbishop of Armagh, and Prime Minister Eamon De Valera (Taoiseach); 8 Oct.,

1957 (AAS 49-959) This Address could inspire many a sermon on Ireland's devotion to Mary.

Medical Ethics: An extremely important Allocution on points of ethics and moral theology connected with medical practice, documented by references to earlier pronouncements on the same and related questions Pius XII, 50 Sept., 1954 (AAS 46-5S7). *The Pope Speaks,* 1 (1954)-34i, *The Catholic Mind, S3* (1955)–242.

Medical Research and Treatment: Moral Aspects. Pius XII, Allocution 13 Sept., 1952 (AAS 44-779). *The Catholic Mind,* 51 (1953)-305.

Military Medical Practice: Moral aspects. Pius XII, Allocution, 19 Od 1953 (AAS 45-744). English translation, *The Catholic Mind,* 52 (1954)–46.

Missions: Pius XII, Message to Bishops, priests, and preachers of the Gospel throughout the world, on the Missions, IS Oct., 1953 (AAS 45-691).

Mutilation: Moral principles governing the amputation of a sound organ for the benefit of the entire organism, briefly explained in Allocution ol Pius XII to the Twenty-sixth Convention of the Italian Society of Urologists, 8 Oct., 1953 (AAS 45-673).

Nursing: Some moral and religious aspects. Pius XII, /Allocution, 1 Oct 1953 (AAS 45-725).

Obstetrics: New method of painless childbirth. Pius XII, Allocution. 8 Jan. 1956 (AAS 48-82). English version, *The Catholic Mind,* 54 (1956)-280; *The Pope Speaks,* 3(1956)25.

Penal Law: Address of Pius XII, in French, to those present in Rome at the Sixth International Convention of Penal Law, 3 Oct., 1953 (AAS 45-730). English text, *The Catholic Mind,* 52 (1954)-1O7.

Address to the Sixth National Convention of the Society of Italian Jurists. Pius XII. 5 Dec . 1954. and 5 Feb., 1955 (AAS 47 60 and 47-72). English text, *The Catholic Mind,* 53 (1955)–364; *The Pope Speakt.* 2(1955)17.

Preaching: Pius XII, Allocution, 14 Sept., 1956 (AAS 48-699). *The Pope Speaks,* 3(1956)381.

Psychotherapy: Moral aspects Pius XII, Allocution, 13 April, 1953 (AAS 45-278). *The Catholic Mind,* 51 (19531-428.

Re-animation: See c. 941; AAS 49-1027.

Rerum Novarum: Pius XII recalls some of its teachings. Allocution, 14 May, 1953 (AAS 45-402).

"Technological View of Life": A form of materialism; contrary to the faith. Pius XII, Christmas Eve Radio Message, 24 Dec., 1953 (AAS 46-5). English version, *The Catholic Mind,* 52 (1954)–174.

Urologists: As expert witnesses in marriage cases. Allocution of Pius XII to the Twenty-sixth Convention of the Italian Society of Urologists, 8 Oct., 1953 (AAS 45-675).

Vatican Radio: Pius XII. Allocution on occasion of dedication of powerful new station outside of Rome, 27 Oct, 1957 (AAS 49-961). *The Pope Speaks,* 4 (1957) -313.

Widowhood: Spiritual and religious problems; interior attitudes and dispositions befitting Christian widow. Pius XII, Allocution, 16 Sept. 1957 (AAS 49-898). *The Pope Speaks,* 4 (1957)-287.

Woman: Her part in Christian life and apostolate. Pius XII, Allocution, 29 Sept., 1957 (AAS 49-906). *The Pope Speaks,* 4(1957)413.

CANON 230

Commission of Cardinals: In charge of Pontifical Work of Assistance in Italy. Secretariate of State, 15 June, 1953 (AAS 45-570).

CANON 242

Roman Curia: Languages: Latin is the first choice, but other languages are admitted, especially in the Sacred Penitentiary. In the other Departments, besides Latin, French and Italian are accepted as a matter of course; English, German. Spanish, and Portuguese are admitted usually on request, particularly if the matter is to be considered by a group of Consultors of whom a fair number know the language in question. Outline of the practice of the Sacred Congregations, presented by Gutierrez in *Commentarium pro Religiosis,* 1952, p. 241.

CANON 248

Chaplains of Ships and Directors of Chaplains: Norins and Faculties (S. Consistorial Congregation, 19 March, 1954) AAS 46-415.

The Sacred Consistorial Congregation, under date of 19 March. 1954, issued a document entitled: *Norms and Faculties for Priests Engaged in the Spiritual Care of Persons Sailing on Ships (Navigantium) and for the Directors of the Chaplains, Issued by Order of His Holiness Pius XII, by Divine Providence Pope.*

I

1. For the office of ship Chaplain *(Cappcllani navigantium)* or of Director of Chaplains, those priests shall be regarded as lawfully chosen who, observing exactly the norms prescribed in the Apostolic Constitution *Exsul Familia,* Title II, art. 5,[1] shall be approved and nominated, obtaining a special Rescript from the Sacred Consistorial Congregation.

2. The Delegate for Works of Emigration who has charge of the ship Chaplains, whether secular or religious, and of their Directors, shall govern and watch over them all, assign the Chap-

[1] AAS, 44, p. 649; Canon Law Digest, 3, p. S4.

lains to a ship and diligently assist them, especially through the Director.

3. Priests who are ship Chaplains and also the Directors of Chaplains must regard it as a sacred duty to observe religiously all the prescriptions regarding ship Chaplains and their Directors, which are laid down in the said Apostolic Constitution (Chapter III, art. 18-31).2

4. In order that the Most Blessed Eucharist may be kept in the legitimately erected oratory of a ship *(ibid.,* art. 30), an apostolic induit is required to be obtained from the S. Consistorial Congregation.

The petition for such a rescript is to be made by the Director of the ship Chaplains, and there should be presented with it a testimonial as to the observance of the liturgical laws, from the local Ordinary who has the right to erect and bless the oratory of the ship.

5. In celebrating Mass and reciting the divine Office during a sea voyage, the priests who are on board may use the Calendar of the Universal Church.

6. In the Canon of the Mass during such a voyage, the name of the Pope is to be mentioned, without that of any Bishop.

7. As regards the keeping of registers of baptisms, confirmations, and deaths *(I. c.,* art. 25, § 3) and the sending of authentic copies thereof to the Curia, the Sacred Consistorial Congregation provides as follows:

1° Authentic copies of the registers of baptisms, confirmations, and deaths, which the ship Chaplains have kept, shall be sent to the Curia of the diocese in which the Director's office is located.

2° It is the duty of the Director alone to make out these copies and send them to the Curia.

3° It is the duty of the same Director to send to the Sacred Consistorial Congregation and to the Ordinary of the said diocese at the beginning of each year a report for the year just past, on the number of persons who were confirmed by the Chaplains of ships in virtue of the faculty mentioned below under n. 8, 1°, and on the method which they as extraordinary ministers made use of in performing that function.

4° The pastor of the domicile of the persons who occur in the

2 Canon Law Digest, 3, pp. 90-93.

books must also be notified by the Director as soon as possible of the acts recorded therein, observing exactly in this matter the norms of the sacred canons.

5° The Director of Chaplains should use his seal and have a depository or archive in which the said books are to be kept, together with the letters of the S. Consistorial Congregation and of the Bishops, and such other documents as it may be necessary or useful to preserve.

6° It pertains to the Director alone to give testimonial letters to persons who are entitled to them.

II

8. Chaplains of ships and their Directors are hereby given the following faculties or privileges *during the term oj their office.*

1° The faculty of administering the sacrament of Confirmation according to the Decree of the S. C. of the Sacraments, *Spiritus Sancti munera* (/1/1$, 38, p. 349 seq.),[3] to any of the faithful on board the ship who is in danger of death from grave illness.

2° The faculty of administering the sacrament of Confirmation during a sea voyage to any child or adult, especially if he has received Holy Communion for the first time on the ship; provided there is present no Bishop who is in communion with the Holy See and it is foreseen that the person, either because of his age or his unfamiliarity with the language or because of local circumstances, will not be able without great difficulty to receive this Sacrament in the country of immigration; observing the other provisions of law and especially, as regards the rite, the Instruction for a simple priest administering the sacrament of Confirmation by delegation of the Holy See, which is found in the Appendix of the Roman Ritual.

3° The privilege of a portable altar, provided the Mass has to be celebrated for the convenience of the faithful on board; observing well, however, the precautions regarding this matter which are mentioned in the Apostolic Constitution *Exsul Familia* and especially in Title II, art. 28.[4]

4° The faculty of celebrating the Sacrifice of the Mass in ships, even though they have no legitimately erected oratory, on

[3] Canon Law Digest, 3, p. 303.
[4] *Ibid.*, p. 92.

the night of the Nativity of Our Lord, provided that the Mass be preceded by prayers lasting at least half an hour and that the Mass be not begun before a half hour past midnight; always removing all danger of irreverence and observing the other requirements of law.

5° The faculty of celebrating Mass in ships, even though they have no legitimately erected oratory, on the night between the 31st of December and the following 1st of January, every year, with the faculty of beginning the Mass at midnight, provided the prayers last for about two hours including the time of the Mass; always removing all danger of irreverence and observing the other requirements of law.

6° The privilege of celebrating one Mass on Holy Thursday.

7° The faculty of celebrating twice or three times on Sundays and feasts of obligation and on weekdays for the convenience of the faithful on board, whenever it is necessary in order to advance their spiritual welfare by celebrating Mass.

8° As regards celebrating Mass in the evening or at a late hour, the Decree of the S. C. of the Holy Office of 31 May, 1953 (/1/1S, 45, p. 426),5 is to be observed.

9° The faculty of absolving, during the sea voyage, any penitents from the censure which is incurred according to canon 2350. § 1 of the Code of Canon Law by persons who procure an abortion; observing the requirements of law.

10° The faculty of absolving, during the sea voyage, observing all the requirements of law and the other conditions which the Sacred Penitentiary usually imposes in these circumstances, and in cases in which according to canon 2314, § 2, the Ordinary himself could absolve, all penitents who are on board for any reason, from the censures and penalties which they may have incurred because of apostasy, heresy, or schism, with the exception however of heretics who purposely spread heresy among the faithful, whether they did so outside the hearing and notice of any third person or in the presence of others, and to receive their abjuration according to law.

11° The faculty of blessing priestly vestments and altar cloths and linens, corporals, ciboriums or vessels for conserving the

5 See this volume, under canon 858.

Most Blessed Eucharist, and other articles which are destined for the service of divine worship.

12° The faculty of blessing, with the rites prescribed by the Church, with all the indulgences which are usually granted by the Holy See, rosaries, crosses, little statues and medals; and moreover of attaching to rosaries the indulgences of Saint Brigid and of the Crozier Fathers.

III

9. Maritime persons can fulfill the precept of paschal Communion at any time during the entire year.

10. The faithful on board ships, provided they go to confession and receive Holy Communion, can gain a plenary indulgence on the 2nd of August as often as they piously visit an oratory legitimately established on the ship, in which by apostolic induit the Most Blessed Eucharist is kept, and there devoutly recite in each visit six *Paters,* .lve$ and *Glorias* according to the intentions of the Holv Father.

11. The same faithful, on the same conditions, can gain a plenary indulgence applicable to the faithful departed, on the 2nd of November, as often as they piously visit the said oratory and there devoutly recite in each visit six *Paters, Aves,* and *Glorias* according to the intentions of the Holy Father.

Given at Rome, from the office of the Sacred Consistorial Congregation. the 19th of March in the Marian Year 1954, Feast of Saint Joseph. Spouse of the Blessed Virgin Mary.

AAS 46-415: Sacred Consistorial Congregation, 19 March, 1954.

Apostolatc of the Sea: Norms and Faculties for Chaplains and Directors (S. C. Consist., 2 April, 1954) AAS 46-248.

Under the title: *Norms and Faculties for Priests Engaged in the Spiritual Care oj Maritime Persons, that is, for Chaplains and Directors of the "Apostolatc of the Sea," issued by Order oi His Holiness Pius XII, by Divine Providence Pope,* the Sacred Consistorial Congregation issued the following, dated 2 April, 1954.

I

1. Pius XI of happy memory "on April 17, 1922, was pleased to honor with his benevolence and to enrich with the approbation

of the Holy See, the *'Apostolate of the Sea,'* which had been first established in Glasgow, Scotland, in the year 1920 for the spiritual, moral, and social welfare of persons given to maritime pursuits. And, as this establishment had already held many conventions and had spread far and wide with the approval of the Bishops, We, on the 30th of May, 1952, gladly decreed that it should in future have the benefit and advantage of direction by the Sacred Consistorial Congregation" (Apostolic Constitution *Exsul Familia,* Title I; *AAS,* 44, p. 674).

2. "In the same S. Consistorial C. We wish to erect another board, that is, the General International Secretariate to regulate the Apostolate of the Sea, whose chief work is to advance the spiritual or moral welfare of maritime people, that is, those who board ships either to command or serve, and those who are assigned to ports to do the shore work in connection with ocean voyages.

"The Assessor of the Sacred Consistorial Congregation shall be in charge of this Secretariate as its President, and the Delegate for works of emigration shall be its Secretary.

"In this Secretariate the following may be members:

"1° Those ecclesiastics who, in their respective countries or districts, are appointed by the Bishops as Directors of this work:

"2° Other priests who have served well in the promotion of this same work, and who are recommended by appropriate testimonials' *(ibid.,* Title II, art. 8, §§ 1, 2 and 3; /1/1$, 44, p. 695 seq.).1

II

3. For the office of Chaplain or Director of the Apostolate of the Sea, for each district or nation, those priests shall be regarded as lawfully chosen who after being presented by the Ordinaries shall be approved and nominated by the Sacred Consistorial Congregation and receive a special Rescript.

4. For priests who are lawfully admitted to the office of Chaplain or Director of the Apostolate of the Sea. the same provisions shall be valid, with due allowances, as those which are enacted for Chaplains of ships and their Directors in the Apostolic Constitution *Exsul Familia,* Title II, Chapter III.2

1 Canon Law Digest, 3, p 88

J *Ibid.,* pp. 90-93.

5. In celebrating Mass and reciting the divine Office during a sea voyage, the priests who are on board may use the Calendar of the Universal Church.

6. In the Canon of the Mass during such a voyage, the name of the Pope is to be mentioned, without that of any Bishop.

7. Chaplains of the Apostolate of the Sea are also bound to keep registers of baptisms, confirmations, and deaths, and to deliver them to the Director to be kept in the archives.

8. As to the keeping of these books and the sending of authentic copies to the Curia, the Sacred Consistorial Congregation prescribes:

1° Authentic copies of the registers which the Chaplains of the Apostolate of the Sea have kept of baptisms, confirmations, and deaths shall be sent to the Curia of the diocese in which the Director's office is located.

2° It is the duty of the Director alone to make out these copies and send them to the Curia.

3° It is the duty of the same Director to send to the Sacred Consistorial Congregation and to the Ordinary of the said diocese at the beginning of each year a report for the year just past, on the number of persons who were confirmed by the Chaplains of the Apostolate of the Sea in virtue of the faculty mentioned below under n. 9, 1°, and on the method which they as extraordinary ministers made use of in performing that function.

4° The pastor of the domicile of the persons who occur in the books must also be notified by the Director as soon as possible of the acts recorded therein, observing exactly in this matter the norms of the sacred canons.

5° The National Director should use his seal and have a depository or archive in which the said books are to be kept, together with the letters of the Sacred Consistorial Congregation and of the Bishops, and such other documents as it may be necessary or useful to preserve.

6° It pertains to the Director alone to give testimonial letters to persons who are entitled to them.

I11

9. The Chaplains and Directors of the Apostolate of the Sea mentioned above in n. 3 are hereby given the following faculties or privileges *during the term oj their office.*

1° The faculty of administering the sacrament of Confirmation according to the Decree of the Sacred Congregation of the Sacraments, *Spiritus Sancti munera* (J.-1S, 38, p. 349)3*to maritime persons who are in danger of death from grave illness.

2° The faculty of administering the sacrament of Confirmation during a sea voyage to any child or adult who receives Holy Communion for the first time on board the ship; provided there is present no Bishop who is in communion with the Holy See and it is foreseen that the person, either because of his age or his unfamiliarity with the language, or because of local circumstances, will not be able without great difficulty to receive this Sacrament in the country of immigration; observing the other provisions of law and especially, as regards the rite, the Instruction for a simple priest administering the sacrament of Confirmation by delegation of the Holy See, which is found in the Appendix of the Roman Ritual.

3° The privilege of a portable altar, provided the Mass has to be celebrated for the convenience of the maritime persons; this privilege can be used also at sea, observing well, however, the precautions regarding this matter which are mentioned in the Apostolic Constitution *Exsul Familia,* and especially in Title II. art. 28/

4° The faculty of celebrating the Sacrifice of the Mass in ships, even though they have no legitimately erected oratory, on the night of the Nativity of Our Lord, provided the Mass be preceded by prayers lasting at least half an hour and that the Mass be not begun before a half hour past midnight; always removing all danger of irreverence and observing the other requirements of law.

5° The faculty of celebrating Mass in ships, even though they have no legitimately erected oratory, on the night between the 31st of December and the following 1st of January, every year, with the faculty of beginning the Mass at midnight, provided the prayers last for about two hours including the time of the Mass; always removing all danger of irreverence and observing the other requirements of law.

6° The privilege of celebrating one Mass on Holy Thursday.

3 Canon Law Digest, 3, p 303
‘ Canon Law Digest, 3, p 92.

7° The faculty of celebrating twice or three times on Sundays and feasts of obligation and on weekdays for the convenience of the maritime persons, whenever it is necessary in order to advance their spiritual welfare by celebrating Mass.

8° As regards celebrating Mass in the evening or at a late hour, the Decree of the S. C. of the Holy Office of 31 May, 1953 (4.4S, 45, p. 426)5 is to be observed.

9° The faculty of absolving, during a sea voyage, any penitents from the censure which is incurred according to canon 2350, § 1 of the Code of Canon Law by persons who procure an abortion; observing the requirements of law.

10° The faculty of absolving, during a sea voyage, observing the requirements of law and the other conditions which the Sacred Penitentiary usually imposes in these circumstances, and in cases in which according to canon 2314, §2 the Ordinary himself could absolve, all penitents who are on board for any reason, from the censures and penalties which they may have incurred because of apostasy, heresy, or schism, with the exception however of heretics who purposely spread heresy among the faithful, whether they did so outside the hearing and notice of any third person or in the presence of others, and to receive their abjuration made according to law.

11° For National Directors only, the faculty of hearing, in case of necessity, the confessions of any of the faithful who come to them in places near the shore of their country, provided the Director has been approved by his own Ordinary for hearing confessions.

12° The faculty of blessing priestly vestments and altar cloths and linens, corporals, ciboriums or vessels for conserving the Most Blessed Eucharist, and other articles which are destined for the service of divine worship.

13° The faculty of blessing, with the rites prescribed by the Church, with all the indulgences which are usually granted by the Holy See, rosaries, crosses, little statues and medals; and moreover of attaching to rosaries the indulgences of Saint Brigid and of the Crozier Fathers.

5See this volume, under canon 858.

IV

10. Maritime persons can fulfill the precept of paschal Communion at any time during the entire year.

11. The faithful on board ships, provided they go to confession and receive Holy Communion, can gain a plenary indulgence on the 2nd of August as often as they piously visit an oratory legitimately established on the ship, in which by apostolic induit the Most Blessed Eucharist is kept, and there devoutly recite in each visit six *Paters, Aves,* and *Glorias* according to the intentions of the Holy Father.

12. The same faithful, on the same conditions, can gain a plenary indulgence applicable to the faithful departed, on the 2nd of November, as often as they piously visit the said oratory and there devoutly recite in each visit six *Paters, Aves,* and *Glorias* according to the intentions of the Holy Father.

Given at Rome, from the office of the Sacred Consistorial Congregation. the 2nd day of April, in the Marian Year 1954, the Feast of Saint Francis de Paul, Patron of Italian ship-owners.

AAS 46-248; S. C. Consist., 2 Apr., 19S4.

Missionaries of Emigrants: Norms and Faculties (S. C. Consist., 10 Dec., 1954) AAS 47-91.

A document of the Sacred Consistorial Congregation entitled. "Norms and Faculties for Priests Engaged in the Spiritual Care of Emigrants, namely for Missionaries of Emigrants and Directors of Missionaries. Issued by Order of His Holiness, Pius XII," is as follows:

I

1. Those priests shall be considered legitimately chosen for the office of Missionary of Emigrants or Director of Missionaries. who shall have been approved and named with exact observance of the norms prescribed in the Apostolic Constitution, *Exsul Familia,* Title II, article 5? and shall have obtained a special rescript of the Sacred Consistorial Congregation.

2. Priests who are Missionaries of Emigrants or Directors of Missionaries shall regard it as a sacred duty to observe re-

1 AAS, 44-649; Canon Law Digest, 3, p. S7.

ligiously all the prescriptions regarding those offices, which are contained in the aforesaid Apostolic Constitution, Chapters III and IV.[2]

II

3. Missionaries of Emigrants and their Directors receive, during their tenure of the office, the following faculties or privileges:

1° The privilege of a portable altar, with the consent of the local Ordinary, provided Mass has to be celebrated for the convenience of the faithful committed to their charge, and observing the provisions of law.

2° The faculty of celebrating *sub dio,* likewise provided the Mass has to be celebrated for the convenience of the faithful committed to their charge, and provided the place be suitable and proper and that a tent be used to protect the altar from the wind lest the fragments be blown away, and bearing in mind the Instruction of the S. C. of the Sacraments of 1 Oct., 1949 (AAS, 41, p. 493),[3] likewise with the consent of the local Ordinary and observing the provisions of law.

3° The faculty of celebrating twice or three times on Sundays and feasts of obligation and on weekdays for the convenience of the faithful staying in the territory of the mission, provided they have the consent of the local Ordinary and that the third Mass be celebrated in a church other than one in which two Masses have already been celebrated, if that condition can be observed without grave inconvenience. The Director of Missionaries is obliged in conscience to verify in each case the real necessity of the third Mass. All danger of astonishment or scandal is to be removed. It is forbidden to the celebrant to receive a stipend for more than one Mass. All other provisions of law must be observed.

4° The faculty of celebrating Mass for the faithful entrusted to them on Christmas night, removing all danger of irreverence and observing the other provisions of law.

5° The faculty likewise of celebrating Mass for the same faithful on the night between the 31st of December and the first of January, every year, with the faculty of beginning the Mass just at midnight, provided the devotions last for about

[2] Canon Law Digest, 3, pp. 90-94.
[3] *Ibid.,* p. 318.

two hours including the time of the Mass, always removing all danger of irreverence and observing the other provisions of law.

6° The Privilege of celebrating one Mass on Holy Thursday.

7° As regards the celebration of Mass in the late afternoon hours or in the evening, the Apostolic Constitution, *Christus Dominus,* of 6 Jan., 1953, is to be observed.[4]

8° The faculty to bless priestly vestments, cloths, and covers used as altar linens, corporals, ciboriums, or vessels in which to keep the Most Blessed Eucharist, and other articles used in divine worship.

9° The faculty to bless according to the rites prescribed by the Church, with all the indulgences usually granted by the Holy See, rosaries, crosses, little statues, and medals; and moreover to attach indulgences to the Rosaries of Saint Brigid and of the Crozier Fathers.

4. Emigrants can fulfill the precept of the paschal Communion at any time of the year.

5. The faithful who assist at a Mass celebrated by a Missionary of Emigrants at a portable altar or *sub dio* fulfill the precept of hearing Mass on days of obligation.

6. Catholic emigrants, provided they go to confession and receive Holy Communion, can gain the plenary indulgence on the second of August as often as they make a pious visit to an oratory or chapel of the mission, in which the Most Blessed Sacrament is legitimately kept, and devoutly recite there in each visit six *Paters,* .Ives, and *Glorias* for the intentions of the Holy Father.

Given at Rome, from the office of the Sacred Consistorial Congregation, on the 10th of December, Feast of the Translation of the Holy' House of Nazareth, 1954.

AAS 47-91; S. C. Consist., Norms and Faculties, 10 Dec., 1954.

Note: This document should be studied in connection with two others issued previously by the same Sacred Congregation, namely:

1. Norms and Faculties for Chaplains of Ships and Directors of Chaplains, 19 March. 1954; AAS, 46–415, and

2. Norms and Faculties for Chaplains and Directors of the Apostolate of the See. 2 Apr., 1954; AAS, 46-248. Both these documents

« AAS. 45, pp 22-23; reported in this volume under canon 858

are reported above in this same volume under canon 248. A useful synthesis and commentary on all three documents is given by Mons. Ferretto, Assessor of the Sacred Consistorial Congregation, in *Monitor Ecclesiasticus,* 1955, pp. 203-235.

CANON 251

Primary Pontifical Work for Religious Vocations Established (Pius XII, *Motu proprio,* 11 Feb., 1955) AAS 47-266.

In response to Our supreme paternal solicitude, the Sacred Congregation of Religious has declared that it would be very opportune to establish a Primary Work for Religious Arocations, having for its purpose — to be attained by all appropriate means but especially by establishing this Work in various countries — to stimulate the desire of fostering, protecting, and helping vocations to the states of Christian perfection, to spread correct notions of the dignity and usefulness of the states of perfection, and to unite the faithful of all parts of the world in a union of prayers and pious exercises for that intention.

Accordingly, *oj Our own motion* and in the fulness of Our Apostolic authority, We will, ordain, and decree the establishment in that same Sacred Congregation of a Work, which We designate as Pontifical, with the faculty of affiliating to itself Works and persons when requested to do so, and to extend to all its members the indulgences that have been or shall be granted and other spiritual favors.

Let this Our will be and remain valid and firm, all things to the contrary notwithstanding, even those worthy of special mention.

Given at Rome, from Saint Peter's, the 11th day of February, 1955, the sixteenth year of Our Pontificate.

AAS 47–266; Pius XII, *Motu proprio,* 11 Feb., 1955. Annotations in *Commentarium pro Religiosis,* 1955, p. 136 (Liévin).

Statutes and Norms for the Pontifical Work of Religious Vocations (S. C. Rel., 11 Feb., 1955) AAS 47-298.

The Sacred Congregation of Religious issued the following Statutes and Norms for the Pontifical Work of Religious Vocations:

I. Statutes

I. The Pontifical Work for protecting and promoting vocations to the states of perfection is a Work of primary grade and importance, established by His Holiness Pius XII by the Apostolic Letter *Cum supremae,* given of his own motion on the 11th of February, 1955.

II. This Pontifical Work has its headquarters in the Sacred Congregation of Religious.

III. To attain the end for which it is established, the Pontifical Work:

1. Attends in the first place to popularizing correct notions of the nature, usefulness, and excellence of the states of perfection as explained in recent Pontifical documents.

2. Promotes works of piety, penance, and charity so that God may grant many and excellent vocations to the states oi perfection.

3. Favors the growth of Works for religious vocations which already exist in various countries, and sees to their erection it not yet established.

IV. The following can be affiliated to the Pontifical Work:

All religious Institutes and Societies which are analogous to religious Institutes, secular Institutes of men and women, monasteries and individual religious houses, Councils of Major Superiors of men or women such as now exist in various countries, and any works which may be established to cultivate and assist religious vocations in a special way.

The following can be inscribed as members of the same: ecclesiastical colleges and Catholic associations, any of the individual faithful either of the clergy or of the laity who may wish to help in so great a work.

V. The Pontifical Work for Religious Vocations is placed under the protection of the Holy Family of Nazareth, which offers to all the states of perfection an example of the "suave and effective union of the contemplative and the active life" (Apostolic Constitution, *Sponsa Christi).*[1]

II. Norms for Putting the Statutes Into Practice

The Government. At the head of the Pontifical Work of Re-

[1] Cf. Canon Law Digest, 3, p 231

ligious Vocations is His Eminence the Cardinal Prefect of the Sacred Congregation of Religious; he is represented by His Excellency the Secretary of the same Sacred Congregation.

The Pontifical Work in no way derogates from the autonomy and legitimate freedom of other special Works, which are defined and regulated by their own laws.

Affiliation or Ascription. The petition for affiliation or ascription to the Pontifical Work for the states of perfection, in favor of ecclesiastical colleges, other Catholic institutions or associations, and special Works for religious vocations, is made by their Superiors or Directors.

In the act of affiliation or ascription, the Pontifical Work gives to Societies a diploma and to persons a special certificate.

All those ascribed or affiliated shall contribute a small fee annually.

Exercises of Piety. To the end that Almighty God may deign to grant excellent vocations to the various states of perfection and give the graces which are necessary to bring these vocations to fruition, the following works are strongly recommended:

1. Abstinence and fasting on the vigils of the Assumption of Our Lady and the Nativity of Our Lord Jesus Christ for the special intention of the Work for Religious Vocations.

2. Prayers to be recited in turn without intermission by the various states of perfection.

3. The celebration of the *Day of Religious Vocations* with some pious exercise approved by a decree of the Sacred Congregation of Rites and enriched with special indulgences by the Sacred Apostolic Penitentiary.

4. The celebration of the *Day of Oblation* on which the sick will offer to God their sufferings and infirmities for religious vocations in union with the Most Precious Blood of Christ.

The Activities of the Pontifical Work. The Pontifical Work shall:

1. See to the proper publication and diffusion of writings designed to promote a wider knowledge and higher esteem of the dignity and usefulness of religious vocations.

2. Influence priests to grasp every opportunity to treat of this subject (for example, lenten sermons, spiritual exercises, novenas, classes in Christian doctrine for adults, and the like).

3. Exhort the faithful to study the documents issued by the

Holy See and also the writings of the Fathers of the Church and of pious authors on the states of evangelical perfection and the religious life.

4. Cultivate in children and adolescents of both sexes, especially those who are in any way under the care of members of any of the states of perfection, an esteem for the religious life, and nourish in them a deep desire of Christian perfection.

5. Call meetings in which this subject shall be discussed, or at least see to it that also in other meetings some consideration be given to the subject of religious vocations.

6. Keep up relations and contact with the religious Institutes, Societies, and organizations which are affiliated to it. Assist, promote, and unite among themselves special Works and other useful undertakings by suggesting more effective means to obtain the desired end. These organizations shall then in turn report briefly, clearly, and accurately to the Pontifical \Xrork all that they have done and accomplished.

Feast Days. The principal feasts of the Pontifical Work shall be:

1. The feast of the Holy Family, the Sunday within the octave of the Epiphany;

2. The feasts of all holy Founders;

3. The feast of Saints Peter and Paul, June 29;

4. The name's day of the Holy Father, Supreme Superior of all states of perfection.

AAS 47-298; S. C. Rd., Statutes and Norms, 11 Feb., 1955. Annotations in *Commentarium pro Religiosis,* 1955, p. 136 (Liévin).

GANON 256

North American College: Address of Pius XII on the occasion of the opening of the new house on the Gianicolo, 14 Oct., 1953 (AAS 45-679). English translation, *The Catholic Mind,* 52 (1954)-62.

Letter of Pius XII to Bishop O'Connor, Rector of the North American College, on the opening of the new house, 13 Sept., 1953 (AAS 45-664).

Pontifical Roman Academy of Theology: New statutes. Pius XII, Ap. Const., 5 June, 1956 (AAS 48-493).

\postolic Delegate: Faculty to permit alienations. See c. 1532; S. C. Consist., 27 April, 1953.

Faculty to authorize the institution of the process *super matrimonio rato et non consummato* when the petitioner is a non-Catholic, was an-

nounccd as having been granted by the Holy Sec to the Most Reverend Apostolic Delegate for the United States *(The Jurist,* Vol. 3, p. 503).

Personal Representative of the President of the U. S. at the Holy Sec. Correspondence between President Truman and Pope Pius XII ten letters with an introduction by the Hon. Myron C Taylor. *The Catholic Mind,* 51 (1953)-625.

CANON 271

Quebec: Honorary Primatial Sec of Canada. S. C. Consist., Decree, 24 Jan., 1956 (AAS 48-509).

CANON 276

Apostolic Induit to Perform Acts Requiring the Pallium Before Its Reception: Formula (S. C. Prop. Fid.) Private.

Since it may happen that no Consistory is held within the three months allowed to a Metropolitan before asking for the pallium (cf. c. 275), so that the Metropolitan cannot receive the pallium in due time, and would moreover act illicitly in certain matters without the pallium (c. 276), it is customary under these circumstances to ask for an induit, which is granted in the following form:

"Sacra Congregatio de Propaganda Fide, vigore facultatum sibi a SS.mo I). N. Pio Div. Prov. Papa XII tributarum, Exc.mo D.no Archiepiscopo------concedit facultatem etiam ante Pallii receptionem (quod iam per suum in Urbe Procuratorem impetravit), libere et licite exercendi munia omnia sive metropolitica sive episcopalia, quae Pallii usum iuxta sacros canones requirunt.

"Datum Romae, ex Aedibus eiusdem Sacrae Congregationis de Propaganda Fide, die------mensis-------Anno Domini-------

(Private); S. C. Prop. Fid.; formula reported by Paventi in *Monitor Ecclesiasticus,* 1954, p. 199.

CANON 292

Bishops' Meetings: For the Philippines, the "Catholic Welfare Organization" (analogous to the N.C.W.C. in the U. S.) is established. S. C. Consist., Decree, 28 June, 1952 (AAS 45-247). Annotations, *Monitor Ecclesiasticus,* 78 (1953)–195 (Ocstcrle).

CANON 306

Newly Erected Dioceses in Mission Territory: Mass *pro Populo:* Government During Vacancy (S. C. Prop. Fid. 26 Jan., 1954) Private.

A Rescript from the S. C. for the Propagation of the Faith:

Prot. N. 166/54 Rome, 26 Jan., 1954

Reverend Father:

By letter of 15 January Your Paternity proposed to this Sacred Congregation the following questions:

1. Whether Bishops, in the Missions where the Hierarchy has been recently established, are bound by canon 339[1] as regards celebrating the Mass *pro populo,* or by Canon 306 for Vicars and Prefects Apostolic.

2. Whether pastors in mission territories are bound by canon 466 as to the celebration of Masses *pro populo.*

3. Whether, in mission territories where the Hierarchy has been recently established, canon 309 is in effect for the government of the diocese during the vacancy of the See, or are canons 429-444 (Book II. Part I, Chap. VII of the Code) *"De Scde Vacante"* in effect, so that the Diocesan Consultons elect a Vicar Capitular (c. 427).

Replies. After maturely considering everything this Sacred Congregation decided to reply:

1. Residential Bishops in the Missions may celebrate the Masses *pro populo* according to canon 306.

2. Pastors in the Missions may celebrate the Masses *pro populo* as quasi-pastors.

3. Mission dioceses which are canonically erected are governed, when the See is vacant or embarrassed, in the same way as other dioceses.

(Private) ; S. C Prop. Fid , 26 Jan , 1954; reported by Paventi in Jfonior *Ecclesiasticus,* 1954, p 200.

Mass *pro Populo:* In Mission Diocese. Sec c. 339; S. C. Prop. Fid., 26 Jan., 1954.

[1] Unfortunately the text from which we translate has "canon 399," but this is obviously a slip of the type.

CANON 336

Television: Obligations and Opportunities of Bishops and Pastors (Pius XII, Exhortation, 1 Jan., 1954) AAS 46-18.

An Exhortation addressed by Pius XII to the Ordinaries of Italy is as follows:

Venerable Brethren, health and Apostolic Blessing.

The rapid progress which television has now made in many countries keeps Our attention ever more alert toward this wonderful means of communication which science and technical skill present to mankind, at once precious and perilous because of the profound influence it is destined to exercise on the public and private life of the nations.

Television is about to inaugurate its regular transmissions also in Italy, and the project already outlined for a vast network of stations covering the whole country gives good reason to foresee notable developments for this new and powerful instrument of expression and of diffusion of pictures, ideas, sentiments, and arts.

No one can fail to see the importance of this event, which confronts the public with a new series of delicate and urgent problems of the moral order, of vigilant presence and action, and of organization also in this field.

It gives Us great comfort in this connection to know that you, Venerable Brethren, share these Our paternal solicitudes; and for this We thank you cordially.

And yet, impressed with the gravity of the subject, We think the time has come to address a word to you on this subject in order to exhort you to continue the praiseworthy efforts you have already begun, and in order that your actions, properly guided by the directive norms which We intend to give you, may be timely and effective and may bring good and lasting results.

We fully recognize, Venerable Brethren, the value of this brilliant achievement of science, a new manifestation of the wonderful greatness of God, who "has given knowledge to men in order that He may be glorified in His marvelous works."[1] And so television too lays upon us all the duty of gratitude, which the Church never tires of recalling to her children every day in the

[1] Ecclus. 38:6.

Holy Sacrifice of the Altar, when she reminds them: "truly it is meet and just, right and salutary, always and everywhere to give thanks" to God for His gifts.

These were Our sentiments, Beloved Brethren, when at Easter in 1949 We had for the first time the opportunity of using this medium to communicate with Our children, and thus not only to bring them Our voice but to enable their eyes at the same moment to rest upon Our person. We said at that time: "We expect from television consequences of the highest importance for the ever clearer revelation of truth to men of right minds."

It is not difficult to appreciate the countless benefits of television, provided, as We earnestly hope, it is placed at the service of man for his more perfect development.

Indeed, whereas in these days the cinema, sports, and the hard necessity of daily toil tend to withdraw the members of the family more and more from the home, and so disturb the natural tenor of domestic life, how should We not rejoice to see television contributing effectively to restore the balance by giving the whole family the opportunity to enjoy a healthy diversion together, far from the dangers of bad companions and surroundings?

Nor can We be indifferent to the good influence which television can exert on society in regard to culture, popular education, teaching in the schools, and the very life of the nations, who by means of it will certainly be helped to know and understand each other better and to advance to cordial union and better mutual cooperation.

But We are pleased to dwell especially on the part which television certainly will not fail to play in spreading the message of the Gospel. In this respect we know what consoling results have been obtained through the labors of Catholics in those countries where television has been in use for some time. But who can foresee the many and varied new horizons which will open to the Christian apostolate when television stations scattered throughout the world will enable everyone to contemplate more closely the pulsating life of the Church? We like to think that in that day the spiritual tics that unite the great family of Christians will be knit still more closely and that mankind, more fully enlightened with the truth of the Gospel through this marvelous instrument, may come to a better knowledge, a deeper

appreciation, and a wider expansion of the Kingdom of God upon earth.

These considerations must not, however, blind us to another aspect of this delicate and important matter. For, though television rightly used can be an effective means of sound and Christian education, it is nonetheless true that it is not free from dangers because of the abuses and profanations which it can be made to serve through human weakness and malice; dangers all the more serious because of the great power of suggestion exerted by this instrument and the vast and indiscriminate public which it can reach. Unlike the theater and the cinema, which limit their offerings to the persons who choose to come, television addresses itself especially to family gatherings composed of persons of every age and either sex, of varying degrees of culture and moral preparedness, and puts before them newspapers, promiscuous news, prepared exhibitions. Like the radio it can gain access to any house or place, at any hour, bringing in not only sound and words but also the concreteness and mobility of the visual image, a thing which gives it greater emotional power especially over the young. Add to this the fact that television programs are made up largely of cinema films and theatrical shows, too few of which, as experience teaches, are as yet entirely satisfactory from the standpoint of Christian and natural moralitv. Finally it is to be noted that television finds its most eager and attentive public among children and adolescents, who because of their age are the most susceptible of all to its fascination, and the readiest to transform the visual impressions received from the animated screen, consciously or unconsciously into realities.

Hence it is easy to see how television closely concerns more than ever the education of youth and the very sanctity of the home.

Now when one considers the inestimable value of the family, which is the cell of society, and reilects that it is within the walls of the home that not only the corporal but also the spiritual growth of the child, precious hope of the Church and of the Nation, must begin and develop, We cannot but proclaim to all who share the responsibilities of television, that they have very grave obligations and responsibilities before God and society.

It is especially the duty of public authorities to take even precaution that no offense or disturbance may in any way spoil that atmosphere of purity and modesty which should pervade the domestic hearth, before which even the wisdom of the ancients, struck with a sacred reverence, exclaimed: "Let nothing unclean by way of sight or sound touch the threshold of this house . ,. the greatest reverence is due to the child."[2]

Ever present to Our mind is the sad picture of the evil and subversive power of shows presented by the cinema. But one cannot but shudder at the thought that, through television, the very sanctuary of the home can be invaded by that poisonous atmosphere of materialism, of fatuity, and of the idolatry of pleasure, which too often pervades so many cinema theaters. Truly one can think of nothing more fatal to the spiritual resources of the Nation than that there should be repeated before so many innocent souls in the very heart of the family, those exciting representations of pleasure, of passion, and of sin which can shatter and ruin forever a whole structure of purity, of goodness, and of sound individual and social education.

For these reasons We wish to state that the normal vigilance which must be exercised by the authority responsible for public exhibitions, is not sufficient to assure service which is morally unexceptionable in the case of television transmissions; but a different standard of evaluation must be applied, since there is question of representations which are destined to penetrate to the sanctuary of the home. Hence in this field especially one sees the baselessness of the pretended right of indiscriminate liberty in the name of art, and of recourse to the pretext of freedom of information and thought. Higher values than these are at stake, and must be protected; whoever attacks them cannot escape the severe penalties threatened by the Divine Saviour: "Woe to the world because of scandals! . . . Woe to that man bv whom the scandal cometh!"[3]

We cherish a profound confidence that the high sense of responsibility of those who direct public life will prevent the sad eventualities which We have deplored. We hope too that, as regards the programs of the exhibitions, appropriate regulations

2 Juvenal, *Satires,* XIV, 44, 47
3 Mt. 18:7

will be issued, aiming to make television serve for the healthy recreation of the citizens, and also under all circumstances to contribute to their education and moral betterment. But in order that these desirable ordinances may in due time have their full application, there is need of an attentive and energetic vigilance on the part of every one.

We address Ourselves primarily, Venerable Brethren, to you and to all the clergy, making Our own the words of Saint Paul to Timothy: "I charge thee before God and Jesus Christ, who shall judge the living and the dead by his coming and his kingdom: preach the word: be instant in season, out of season: reprove, entreat, rebuke in all patience and doctrine."[4] But We appeal no less urgently to the lay people themselves, whom We wish to see in increasing numbers and more solidly massed around their pastors also in this sacred crusade. Especially those whom the Church calls to Catholic Action beside the Hierarchy should understand the necessity of taking appropriate action to make their presence felt in this field before it is too late. No one may be content to contemplate passively the rapid developments of television when he knows the extremely powerful influence which it is undoubtedly able to exert on the national life to promote good or to spread evil. And if eventually abuses and degenerations occur, it will not do for Catholics simply to deplore them, but on the contrary it will be necessary to denounce them to the public authorities with very precise specific charges and proofs. We must in truth acknowledge that one of the causes, not much noticed, but nonetheless true, of the flood of immorality, is not so much the lack of regulations, but the absence or weakness of reaction on the part of good people, who have not seasonably denounced infractions against the law of sound morality.

However, your cooperation would be far from fully satisfying Our desires and Our hopes if it were limited merely to protection from evil and did not rather resolve itself in a vigorous affirmation of the good. The goal which We wish to point out to you is this: that television may not only be free from the taint of immorality but that it may become a power for education to a Christian way of life.

[4] 2 Tim. 4:1-2.

Appropriate in this connection are the wise observations which were made by Our Predecessor of happy memory, Pius XI, regarding the cinema: "Just as the advances made in art, in science, and even in the technical skill and industrv of men. are truly gifts of God, so too they are by nature destined to serve the glory of God and the salvation of souls, and they promote the extension of the kingdom of God on earth so that we may make use of them in such a way as not to lose the eternal good as the Church teaches us to pray: *sic transeamus per bona tonporalia, ut non amittamus aeterna."**

It is easy to see how' important for the attainment of this end is the preparation of television programs. And in a country such as the Italian Nation, of such ancient and deep Catholic traditions, We have every right to hope that television will reserve for Catholic matters a place proportionate to the importance of Catholicism in the national life.

We well know that commendable measures have already been taken toward this end in those dioceses where there are transmitting stations, by appointing one or more persons, laymen or priests, with the duty of interesting themselves in the arrangement of the religious programs. But We would like to see this institution, for greater efficiency, develop with due coordination on the national level and culminate in a competent Central Office whose function it would be to impress upon the action of the individual Bishops a uniform character on essential points, to make available to all the valuable experience which has been gained in this field in various parts of the world, to gather the remarks and suggestions especially of Pastors of souls, and at the same time to represent before the proper authorities the voice and thought of the Italian Hierarchy. With a movement of this sort from the Episcopate as the interpreter of the wishes not only of the saner elements of the Nation but also of the majority of the users of television, it will certainly' be easier for those responsible for the choice of the programs to resist suggestions of standards and evaluations which are not entirely acceptable, from whatever quarter they may come. Such an Office could also receive the applications made to it by projects of a cultural, organizational, or other character which might be promoted lo-

5 Encyclical. *Vigilanti Cura,* 29 June, 1936; AAS, 28. p 249.

tally in various places. In the dynamism of modern life, which draws so much power from the genius of organization, it is necessary to proceed in concerted union; in this sphere especially the strength of Catholics lies in their union.

At the same time it is more than ever necessary and urgent to form in the faithful a correct conscience as to Christian duty in regard to the use of television: a conscience which can sense possible dangers and which will stand by the judgment of ecclesiastical authorities as to the morality of the programs which are transmitted. The first to be enlightened should be parents and educators, so that they will not have to lament when it is too late the spiritual ruin of lost innocence. We could not sufficiently praise as true apostles of the right, all persons who, according to their capacities and opportunities, assist you in this beneficent work.

The work which awaits you, Venerable Brethren, is, We know lull well, immense and arduous. But may you draw strength from the consciousness of fighting to safeguard Christian morality in the midst of your flock. May your efforts be fruitful through the intercession of the Immaculate Virgin, to whose maternal protection, in this year which is dedicated to her, We commend in a special manner the happy outcome of your holy enterprise. And as the first steps of television here in Rome have contributed, as if by happy omen, to give greater solemnity to the opening of the Marian Year, so may its further developments lead to a succession of triumphs for Jesus and Mary by beaming more ardently upon all men of good will "the light which enlighteneth every man that cometh into this world"[6] and by bringing to every home, to every place, wherever this medium penetrates, "whatsoever things are true, whatsoever modest, whatsoever just, whatsoever holy, whatsoever lovely." The cause of civilization, of religion, and of peace will be the gainer, "and the God of peace shall be with you."[7]

In order that Our wishes and Our prayer may meet a generous response in the souls of all, We impart with paternal affection to you, Venerable Brethren, to the faithful who are under your care, and to all the conscientious and resourceful men who devote their activity to television, the Apostolic Blessing.6

6Jn. 1:9. 7 Phil. 4:8,9.

From the Vatican, 1 January, 1954.

AAS 46-18; Pius XII, Exhortation, 1 Jan., 1954.

Note: This Exhortation was addressed to the Hierarchy of Italy only, but as is obvious many of its directives have a universal value.

Immodesty in Dress: a Letter to Local Ordinaries (S. C. Cone., 15 Aug., 1954) AAS 46-458.

A letter of the S. C. of the Council entitled: *To Their Excellencies the Ordinaries of Places: on Immodesty in Dress,* is as follows:

When the August Pontiff, by the Encyclical issued at the close of the first century after the definition of the dogma of the Immaculate Conception of the Blessed Virgin Mary,1 decreed the Marian Year to be celebrated throughout the world, he especially exhorted the Bishops, the clergy and all the people to cause Christian morality to flourish more and more through their energetic efforts under the auspices and patronage of the Mother of God and our most tender Mother; and by contemplating her with filial affection, to reproduce her likeness in their own lives, each according to his peculiar circumstances. And he indicated as the first object of their earnest prayers "that there may grow up a generous and promising youth, pure and unblemished, and that the beautiful flower of youth may not suffer itself to be infected with the corrupt breath of this world and grow up in vice; that their unbridled zeal and bursting ardor may be governed with even moderation, and that, abhorring all deception, they may not turn toward what is harmful and evil, but raise themselves up to whatever is beautiful, whatever holy, lovable and elevating."2

But although these exhortations of the Supreme Pastor have produced not a few salutary results, it is nonetheless to be deplored that they have not brought about all that the Supreme Pontiff wished as regards public and private morals.

We all know that especially in this season of summer there are commonly exposed to view sights which cannot but offend the eyes and shock the souls of persons who have not lowered or

1 Encyclical, *Fulgens Corona,* AAS, 45, p. 577.
2 *Ibid* , p. 5SS. Cf *The Catholic Mind,* 1953, p. 745.

But it is especially you whom "the Holy Ghost has placed to rule the Church of God,"6 who must give serious attention to this matter and take all precautions and measures to protect modesty and to advance Christian morality to the best of your ability. "Since we are all temples of God, as the Holy Spirit dwells in us and consecrates us, the keeper and presiding authority of that temple is purity, which allows entrance to nothing that is unclean or profane, lest God who dwells there be offended and depart from the tainted abode."7 Now, as everyone will readily admit, on account of the current vogue in the dress especially of women and girls, modesty is gravely violated, and modesty is "the companion to purity, safeguarding chastity itself by her presence."8 Hence it is altogether necessary that all classes of citizens, especially the young, be warned and exhorted in the most effective way possible, to avoid these dangers, which are absolutely inimical to Christian and civil virtue and capable of doing the greatest harm. "How charming, and what a brilliant jewel of morality is this (modesty)."9 Let it not therefore be offended nor violated through the easy allurements and blandishments of vice which are occasioned by that manner of dress and by the other ways of acting to which we have already referred and which cannot but be deplored by all good people.

The Holv Father is very anxious that this movement be undertaken with special vigor during the current Marian Year, and that the Bishops especially leave nothing undone to remedy this evil; that under their counsel and leadership the rest of the clergy in their respective districts labor with energy and constancy to attain success prudently in this matter; that fathers and mothers of families, first by their example and then also by appropriate exhortations, inspired with the austere fortitude of genuine Christians, remove their children from these dangers and be not content until they see in their faces the lustrous charm of purity.

And let those who are enlisted in the ranks of Catholic Action undertake the promotion of this salutary project as their prin-

• Acts 20:28.
~ Tcrtullian, *De cultu fem* , II, 1; Migne, *P L.,* I, 1316.
8 St. Ambrose, *De off,* I, 20; Migne, *P.L.,* XVI, 48.
"St. Bernard, *Serm. LXXXVI, in Cant.;* Migne, *PL·.,* CLXXXIII, 135.

cipal work. In the first place let them see to it that all with whom they come in contact, intimately or otherwise, may notice in their way of dressing and acting, the charm of Christian goodness; let their eyes reveal the innocence of their souls; let their speech and behavior savor of virtue: it is only on this condition that they will be able by their persuasion and advice to move others more easily to a decorous and proper way of dress and to good conduct.

May all attain to these graces through the intercession of the Most Blessed Virgin Mary, who from the moment of her conception was free from the taint of any sin, who was distinguished by the most exalted sanctity throughout her life, and who is our most loving Mother.

And may God grant these same favors through the Apostolic Blessing which the Holy Father affectionately imparts as a pledge of heavenly gifts and a token of his paternal benevolence to the Bishops, the clergy and all the Christian people, particularly those who by their own action will cooperate in this salutary movement.

This communication is given to you in virtue of the charge imposed upon me.

Given at Rome, from the office of the Sacred Congregation of the Council, on the 15th of August, Feast of the Assumption of the Blessed Virgin Mary, in the year 1954.

P. Card. Ciriaci, Prefect
F. Roberti, Secretary

AAS 46–458; S. C. Cone., Letter, 15 Aug., 1954.

The Priest-Celebrant Alone Sacrifices: Liturgical Developments Are Subject to the Vigilance of Bishops: Social and Political Problems Are Within the Competency of the Church (Pius XII. Allocution, 2 Nov., 1954) AAS 46-666.

The Address of His Holiness Pius XII to the Eminent Cardinals and Most Reverend Bishops present in Rome for the solemn ceremonies honoring Our Lady, November 2nd, 1954, is as follows:

"Magnify the Lord with me; together let us extol His Name" (Ps. 33:4). for by a new favor from heaven has Our desire been

fulfilled, and at the same time We rejoice at the sight of you, Beloved Sons and Venerable Brothers, gathered before Us in such large numbers. And the consideration of the new liturgical feast of Mary, Mother of God and Queen of Heaven and Earth, which We just recently solemnly proclaimed, swells Our holy joy; for it is only fitting for her children to rejoice when they see an increase of honor accorded to their mother.

Yet, though she is Queen of all, the Blessed Virgin Mary rules over you and your plans and undertakings by a special title and in a more intimate way, for she has long been invoked under that singular and glorious title of Queen of the Apostles. For, being the mother of fair love, and of fear, and of knowledge, and of holy hope (cf. Eccli. 24:24), what does she desire more eagerly and strive for more earnestly than that the authentic worship of the true God be ever more deeply implanted in souls, a more genuine charity glow in them, a pure fear of God rule their plans, a hope, solidly based on the promise of immortality, be a solace in this sad exile on earth? All these virtues are being cultivated among men through the labors and efforts you expend on your apostolic tasks, so that, leading their earthly lives in sobriety, justice, and piety, they may win everlasting happiness in heaven. It is therefore under the guidance and protection of Mary, ever Virgin, Mother and our Queen, that we decided to treat some points which We trust will prove helpful to you and to the work you are devotedly engaged in of tending the Lord's harvest.

At the beginning of June, on the occasion of the canonization of Saint Pius X, We spoke to the large group of Bishops who had come to Rome to honor the new Pope-Saint; Our topic was that teaching office which by divine institution and right belongs to the successors of the Apostles under the authority of the Roman Pontiff. Now, continuing that address as it were, We are pleased to speak to you of two other closely related functions which concern you and demand your thought and care — the priesthood and the government of the Church. Let us turn our thoughts once more to Saint Pius X.

From the story of his life we know what the altar and the Sacrifice of the Mass meant to him, from the very day on which he first offered the Holy Sacrifice to God, a newly ordained priest pronouncing for the first time with trembling lips "*Introibo ad*

altare Dei." It was the same throughout his priestly life, as pastor, as spiritual Director of a seminary, as Bishop, as Cardinal Patriarch, finally as Supreme Pontiff. The altar and the Mass were the source and very center of his piety, his repose and strength in labors and difficulties, the source of light, courage, unflagging zeal for God's glory and the salvation of souls. This Pontiff, just as he was and is a model teacher, was and is a model priest.

The particular and chief duty of the priest has ever been "to sacrifice"; where there is no true power to sacrifice, there is no true priesthood.

This is also perfectly true of the priest of the New Law. His chief power and duty is to offer the unique and divine sacrifice of the most High Eternal Priest, Jesus Christ Our Lord, which Our Divine Redeemer offered in a bloody manner on the cross and anticipated in an unbloody manner at the Last Supper. He wished it to be constantly repeated, for He commanded His Apostles: "Do this in memory of me" (Luke, 22:19). The Apostles, therefore, and not all the faithful, did Christ ordain and appoint priests; to them He gave the power to sacrifice. Concerning this noble duty of offering the sacrifice of the New Law, the Council of Trent taught: "In this divine sacrifice which takes place at Mass, the same Christ is present and is immolated in an unbloodv manner, who once on the Cross offered Himself in a bloody manner. For the victim is one and the same, now offering through the ministry of priests, who then offered Himself on the Cross; only the manner of offering is different" (Session XXII, cap. 2; Denzingcr, n. 940). Thus the priest-celebrant, putting on the person of Christ, alone sacrifices, and not the people, nor clerics, nor even priests who reverently assist; all, however, can and should take an active part in the Sacrifice. "The Christian people, though participating in the Eucharistic Sacrifice, do not thereby possess a priestly power," We stated in the Encyclical, *Mediator Dei (AAS,* Vol. 39, 1947, p. 553).

We realize, Venerable Brothers, that what We have just said is quite familiar to you; yet We wished to recall it, since it is the basis of and motive for what We are about to say. For there are some who have not ceased claiming a certain true power to sacrifice on the part of all, even laymen, who piously assist at the Sacrifice of the Mass. Opposing them, We must distin-

guish truth from error and do away with all confusion. Seven years ago in the same Encyclical We just quoted, We reproved the error of those who did not hesitate to state that Christ's command, "do this in memory of me," "refers directly to the entire assembly of the faithful, and only afterward did a hierarchical priesthood follow. Hence, they say, the people possess a true sacerdotal power, the priest acts only on an authority delegated by the community. Wherefore they think that 'concelebration' is the true Eucharistic sacrifice, and that it is more fitting for priests and people together to 'concelebrate' than to offer the Sacrifice in private with no congregation present." We also recalled to mind in that Encyclical, in what sense the celebrating priest can be said "to take the place of the people"; namely "because he bears the person of Jesus Christ Our Lord, who is the head of all the members and offers Himself for them: thus the priest goes to the altar as a minister of Christ, subordinate to Christ, but ranking above the people. The people, however, since in no way do they bear the person of the Divine Redeemer and are not mediators between themselves and God, cannot in any way share the sacerdotal rights" (.4.4S, Vol. 39, 1947, pp. 553, 554).

In considering this matter it is not only a question of measuring the fruit that is derived from the hearing or offering of the Eucharistic Sacrifice — it is indeed possible that one derive more fruit from a Mass devoutly and religiously heard than from a Mass celebrated with casual negligence — but of establishing the *nature oj the act* of hearing and celebrating Mass, from which the other fruits of the Sacrifice flow. Omitting any mention of the acts of worship of God and thanksgiving to Him, We refer to those fruits of propitiation and impétration on behalf of those for whom the Sacrifice is offered, even though they are not present; likewise the fruits "for the sins, penalties, satisfactions and other needs of the faithful still alive, as well as for those who have died in Christ but are not yet fully purified" (Cone. Trid., Sess. XXII. cap. 2; Denzinger, n. 940). When the matter is thus regarded, an assertion which is being made today, not only by laymen but also at times by certain theologians and priests, and spread about by them, ought to be rejected as an erroneous opinion: namely, that the offering of one Mass, at which a hundred priests assist with religious devotion, is the same as a hundred

Masses celebrated by a hundred priests. That is not true. With regard to the offering of the Eucharistic Sacrifice, the actions of Christ the High Priest are as many as are the priests celebrating, not as many as are the priests reverently hearing the Mass of a Bishop or a priest; for those present at the Mass in no sense sustain or act in the person of Christ sacrificing, but are to be compared to the faithful layfolk who are present at the Mass.

On the other hand, it should not be denied or called in question that the faithful have a kind of "priesthood," and one may not depreciate or minimize it. For the Prince of the Apostles in his first Letter addressing the faithful, uses these words: "But you are a chosen generation, a kingly priesthood, a holy nation, a purchased people" (I Pet., 2:9), and just before this he asserts that the faithful possess "a holy priesthood, to offer up spiritual sacrifices acceptable to God through Jesus Christ" *{ibid.,* 2:5). But, whatever is the full meaning of this honorable title and claim, it must be firmly held that the "priesthood" common to all the faithful, high and reserved as it is, differs not only in degree but in essence also from priesthood fully and properly so called, which lies in the power of offering the sacrifice of Christ Himself, since he bears the person of Christ, the supreme High Priest.

We note with joy that in many dioceses there have sprung up special liturgical Institutes, that liturgical groups have been established, that moderators to promote interest in the liturgy have been nominated, that diocesan or inter-diocesan rallies on liturgical matters have been held, and that gatherings have been held or will be organized on an international level. We are happy to hear that in some places the Bishops were present in person and presided at these gatherings. These meetings sometimes follow a definite program, namely, only one offers the Mass, and others (all or the majority) assist at this one Mass and receive the Holy Eucharist during it from the hands of the celebrant. If this is done for a good and sound reason, and the Bishop, to avoid scandal among the faithful, has made no contrary decision, the practice is not to be opposed, so long as the error We have mentioned above is not underlying it. Then, with regard to the matters dealt with at these gatherings, there are discussions on points of history, doctrine, and the conduct of life; conclusions have been arrived at and motions drawn up which seem necessary or

in keeping with greater progress in this study, but subject to the decision of proper ecclesiastical authority. But this movement to study the sacred liturgy does not stop at the holding of these gatherings; alongside them continually grow and develop experience and practice, so that the faithful in ever greater numbers are being influenced to an active union and communion with the priest who is carrying out the sacrifice.

But, Venerable Brothers, however you show favor — and rightly — to the practice and development of the sacred liturgy, do not allow those studying this subject in your dioceses to withdraw from your guidance and watchfulness, or to adapt and change the sacred liturgy according to their own judgment, contrary to the Church's clearly declared norms: "It is the function of the Apostolic See alone to determine the sacred liturgy and to approve liturgical books" (can. 1257), and particularly with regard to the celebration of Mass: "All customs to the contrary being revoked, a priest celebrating must observe accurately and devoutly the rubrics of his ritual books, and take care not to add other ceremonies or prayers at his own whim" (can. 818). And do you give no consent or permission to attempts of this kind, or to movements which are more daring than prudent.

"Being made a pattern of the flock" (I Fetor 5:3): the words of Saint Peter especially refer to Bishops as having and exercising the office of Shepherd. The special and personal note of the Pontificate of Pius X was indeed this aspect and habit of "Shepherd." To put it briefly, after he reached the highest office in the apostolic ministry, it was clear to all that there had been raised to the Chair of the Prince of the Apostles a priest who had grown up in the care of souls, who had been from the beginning of his priesthood, and who continued to be, a shepherd of souls, until he was set to feed the whole flock of Christ. The unvarying principle which he kept in his action, the aim of life which he set himself, was "salvation of souls." If he desired to "renew all in Christ," it was a desire for the sake of the salvation of souls: to this end and function he in some way subordinated all his actions. He was the good shepherd in the midst of his flock, anxious about its needs, troubled by the dangers threatening it, entirely devoted to the leading and guiding of the flock of Christ in the way of Christ.

But it is not Our present purpose, Venerable Brothers, in address-

ing you, Shepherds of your flocks, to sketch again a noble image and perfect pattern from the saintly Pontiff and Shepherd. We wish rather — as We did with the teaching power and priesthood of Bishops — to mention some points which, especially in our times, demand the interest, voice, and activity of a dedicated shepherd.

And first, there are some noticeable attitudes and tendencies of mind which presume to check and set limits to the power of Bishops (the Roman Pontiff not excepted), as being strictly the shepherds of the flock entrusted to them. They fix their authority, office, and watchfulness within certain bounds which concern strictly religious matters, the statement of the truths of the faith, the regulation of devotional practices, administration of the Sacraments of the Church and the carrying out of ecclesiastical ceremonies. They wish to restrain the Church from all undertakings and business which concern life as it is really conducted, the "realities of life" as they say. In short, this way of thinking in the official statements of some lay Catholics, even those in high positions, is sometimes shown when they say: "We are perfectly willing to see, to listen to and to approach Bishops and priests in their churches and regarding matters within their authority; but in places of official and public business, where matters of this life are dealt with and decided, we have no wish to see them or to listen to what they say. For there, it is we laymen, and not the clergy — no matter of what rank or qualification — who are the legitimate judges."

We must take an open and firm stand against errors of this kind: the power of the Church is not bound by the limits of "matters strictly religious," as they say, but the whole matter of the Natural Law, its foundation, its interpretation, its application, so far as their moral aspect extends, are within the Church's power. For the keeping of the Natural Law, by God's appointment, has reference to the road by which man has to approach his supernatural end. But on this road the Church is man's guide and guardian in what concerns his supreme end. The Apostles observed this in times past, and afterward from the earliest centuries the Church has kept to this manner of acting, and keeps to it today, not indeed like some private guide or adviser, but by virtue of the Lord's command and authority. Therefore when it is a question of instructions and propositions which the prop-

erly constituted Shepherds (that is, the Roman Pontiff for the whole Church and the Bishops for the faithful entrusted to them) publish on matters within the Natural Law, the faithful must not invoke that saying (which is wont to be employed with respect to opinions of individuals); "the strength of the authority is no more than the strength of the arguments." Hence, even though to some one certain declarations of the Church may not seem to be proved by the arguments put forward, his obligation to obey still remains. This was the mind and these are the words of Saint Pius X in his Encyclical Letter, *Singulari quadam,* of September 24th, 1912 (.-LIS, Vol. 4, 1912, p. 658): "Whatever a Christian man may do, even in affairs of this world, he may not ignore the supernatural, nay, he must direct all to the highest good as to his last end, in accordance with the dictates of Christian wisdom: but all his actions, in so far as they' are morally good or evil, that is, in as far as they agree with or are in opposition to divine and natural law, are subject to the judgment and authority of the Church." And he immediately transfers this principle to the social sphere: "The social question and the controversies underlying that question . . . are not merely of an economic nature, and consequently such as can be settled while the Church's authority is ignored, since on the contrary it is most certain that it (the social question) is primarily a moral and religious one. and on that account must be settled chiefly in accordance with the moral law and judgment based on religion" *(ibid.,* pp. 658, 659).

Many and serious are the problems in the social field — whether they be merely social or socio-political — which pertain to the moral order, are of concern to conscience and the salvation of men; thus they cannot be declared outside the authority and care of the Church. Indeed, there are problems outside the social field, not strictly "religious," political problems, of concern either to individual nations or to all nations, which belong to the moral order, weigh on the conscience and can and very often do hinder the attainment of man's last end. Such are: the purpose and limits of temporal authority; the relations between the individual and societv; the so-called "totalitarian State," whatever be the principle on which it is based; the "complete laicization of the State" and of public life; the complete laicization of the schools; war, its morality, licitness or non-licitness when

waged as it is today, and whether a conscientious person may give or withhold his cooperation in it; the moral relationships which bind and rule the various nations.

Common sense and truth as well are contradicted by whoever asserts that these and like problems are outside the field of morals and hence are, or at least can be, beyond the influence of that authority established by God to see to a just order and to direct the consciences and actions of men along the path to their true and final destiny. This she is certainly to do, not only "in secret" within the walls of the church and sacristy, but also in the open, crying "from the house-tops" (to use the Lord's words, Matt. 10:27), in the front line, in the midst of the struggle that rages between truth and error, virtue and vice, between the "world" and the kingdom of God, between the prince of this world and Christ its Saviour.

We must add a few remarks on ecclesiastical discipline. Clergy and laity must realize that the Church is fitted and authorized, as also are the Bishops for the faithful entrusted to them, in accordance with Canon Law, to promote ecclesiastical discipline and see to its observance, that is, to establish an external norm of action and conduct for matters which concern public order and which do not have their immediate origin in natural or divine law. Clerics and laity may not exempt themselves from this discipline; rather, all should be concerned to obey it, so that by the loyal observance of the Church's discipline the action of the shepherd be easier and more efficacious, and the union between him and his flock stronger; that within the flock harmony and cooperation reign, and each be an example and support to his fellow.

Yet, those points We have just mentioned in connection with the jurisdiction of Bishops, who are shepherds of the souls committed to their care in all those matters which have to do with religion, moral law, and ecclesiastical discipline, are subjected to criticism, often not above a whisper, and do not receive the firm assent they deserve; hence some proud modern spirits provoke serious and dangerous confusion, traces of which are more or less clear in various regions. The awareness, daily more strongly insisted on, of having reached maturity, produces in them an agitated and febrile spirit. Not a few moderns, men and women, think that the leadership and vigilance of the Church is not to

be suffered by one who is grown up; they not only say it but they hold it with a firm conviction. They are unwilling to be, like children, "under teachers and guides" (Gal. 4:2); they wish to be treated as adults who are in full possession of their rights and can decide for themselves what they must or must not do in any given situation. Let the Church, they do not hesitate to say, propose her doctrine, pass her laws as norms of our actions. Still, when there is question of practical application to each individual's life, the Church must not interfere; she should let each one of the faithful follow his own conscience and judgment They declare this is all the more necessary because the Church and her ministers are unaware of certain sets of circumstances, either personal or extrinsic to individuals; in them each person has been placed, and must take his own counsel and decide what he must do. Such people, moreover, are unwilling in their final personal decisions to have any intermediary or intercessor placed between themselves and God, no matter what his rank or title. Two years ago in Our Allocutions of March 23 and April IS, 1952, We spoke about these reprehensible theories and We examined their arguments *(Discorsi e Radiontessagi,* Vol. 14, 1952, pp. 19, 69). Concerning the importance given to the attainment of a person's majority, this assertion is correct: it is just and right that adults should not be ruled as children. The Apostle speaking of himself says, "When I was a child. I spoke as a child, I understood as a child, I thought as a child. But when I became a man, I put away the things of a child" (I Cor. 13:11). That is not a true art of education which follows any other principle or procedure, nor is he a true shepherd of souls who pursues any other purpose than to elevate the faithful entrusted to his care "unto a perfect man, unto the measure of the age of the fulness of Christ" (Eph. 4:13). But to be an adult and to have put off the things of childhood is one thing, and it is quite another to be an adult and not to be subject to the guidance and government of legitimate authority. For government is not a kind of nursery for children, but the effective direction of adults toward the end proposed to the State.

But since We are speaking to you, Venerable Brothers, and not to the faithful, when these ideas begin to appear and to take root in your flocks, remind the faithful: 1) that God placed shepherds of souls in the Church, not to put a burden on the

ilock, but to help and protect it; 2) that the true liberty of the faithful is safeguarded by the guidance and vigilance of pastors; that they are protected from the slavery of vice and error, they are strengthened against the temptations which come from the customs of evil men among whom they must live; 3) that therefore they act contrary to the prudence and charity which they owe to themselves, if they spurn this protection of God and His most certain help. If among clergy and priests you find some infected with this false zeal and attitude, set before them the grave warnings which Our Predecessor Benedict XV uttered: "There is one thing which should not be passed over in silence: We want to warn all priests, who are Our dearly beloved sons, how absolutely necessary it is, not only for their own salvation but for the fruitfulness of their sacred ministry, that each be most devoted and obedient to his own Bishop. As We just now deplored, not all dispensers of the sacred mysteries are free from that proud and arrogant spirit which is characteristic of our times; and it frequently happens that Shepherds of the Church are grieved and opposed where they might rightly expect comfort and help" (Encyclical Letter, *Ad Beatissimi Apostolorum Principis,* 1 Nov., 1914; Vol. 6, 1914, p. 579).

Thus far We have spoken of pastoral care in connection with the persons for whose benefit it is exercised: it is right to end Our discourse by turning Our attention to the pastors themselves. To Us and to you Shepherds the holy words of the eternal Shepherd are pertinent: "I am the good shepherd. I am come that the}'· may have life, and may have it more abundantly" (John, 10:11, 10). To these good shepherds He contrasts the mercenary, who seeks himself and his own interests and is not ready to give his life for his flock (cf. John 10:12-13); He contrasts them with the Scribes and Pharisees who, greedy for power and domination and seeking their own glory, were seated on the chair of Moses, amassing heavy and insupportable burdens and imposing them on the shoulders of men (cf. Matt. 23:1, 4). Of His own yoke the Lord said, "Take my yoke upon you! For my yoke is sweet and my burden light" (Matt. 11:29-30).

Frequent and mutual communication among Bishops is very helpful for the fruitful and effective exercise of the pastoral office. Thus one perfects the other in assaying the lessons of past

experience; government is made more uniform, the wonder of the faithful is avoided, for often they do not understand why in one diocese a certain policy is followed, while in another, which is perhaps adjacent, a different or even a quite contrary policy is followed. To realize these purposes general assemblies, which are now held almost everywhere, are very helpful, and also the more solemnly convened Provincial and Plenary Councils, for which the Code of Canon Law provides and which are governed by definite laws.

In addition to this union and intercourse between brothers in the Episcopacy, there should be close union and frequent communication with this Apostolic See. The custom of consulting the Holy See not only in doctrinal matters but also in affairs of government and discipline, has flourished from the earliest days of Christianity. Many proofs and examples are to be found in the ancient historical records. When asked for their decision the Roman Pontiffs did not answer as private theologians but in virtue of their authority and conscious of the power which they received from Christ to rule over the whole flock and each of its parts. The same is deduced from the instances in which the Roman Pontiffs, unasked, settled disputes that had arisen or commanded that "doubts" be brought to them to be resolved. This union, therefore, and harmonious communication with the Holy See arises not from a kind of desire to centralize and unify everything, but by divine right and by reason of an essential element of the constitution of the Church of Christ. The result of this is not detrimental but advantageous to the Bishops to whom is entrusted the government of individual flocks. For from communication with the Apostolic See they gain light and assurance in doubts, advice and strength in difficulties, assistance in labors, comfort and solace in distress. On the other hand, from the reports of the Bishops to the Apostolic See, the latter attains a wider knowledge of the state of the whole flock, learns more quickly and more accurately what dangers are threatening and what remedies can be applied to cure the evils.

Venerable Brothers, on the day before He suffered, Christ prayed to the Father for the Apostles and at the same time for all their successors in the apostolic office: "Holy Father, keep them in Thy' name whom Thou hast given Me, that they may be one. as We also are. As Ihou hast sent Me into the World,

[Private] MASS *PRO POPULO*

I also have sent them into the world. . . . may the love where-with Thou hast loved Me be in them, and I in them" (John, 17:11, 18, 26).

And so We, also an ancient, the Vicar on earth of the Eternal Shepherd, have spoken to you, Our Brothers, ancients (I Peter, 5:1) and shepherds of your flocks, close to the tombs of the Prince of the Apostles and Saint Pius X, Supreme Pontiff; and at the end of Our discourse, We turn Our thoughts again to the Mass *Si diligis* with which We began, in the Preface of which we pray: "that Thou, Eternal Shepherd, may not abandon Thy flock, but through Thy blessed Apostles may keep a continual watch over it. That it may be governed by those same rulers whom Thou didst set over it as shepherds in Thy place"; and in the second Postcommunion prayer we add: "Increase, we beseech Thee, O Lord, in Thy Church the spirit of grace which Thou hast given it, in order that through the intercession of Blessed Pius, Supreme Pontiff, neither the flock may be wanting in obedience to the Shepherd nor the Shepherd in care of the flock."

May God grant this prayer to all of you according to the measure of His divine liberality!

AAS 46–666; Pius XII, Allocution, 2 Nov., 1954.

Teaching Office of Bishops: By divine law, under Supreme Pontiff. Pius XII, Allocution, 31 May, 1954 (AAS 46-313). *The. Pope Speaks,* 1 (1954) 153.

In questions concerning civil legislation. See c. 1326; Archbishop of Westminster, 6 Dec., 1957, private.

CANON 339

Mass *Pro Populo* in Missions Where Hierarchy Is Established (S. C. Prop. Fid., 26 Jan.. 1954) Private.

A private reply of the Sacred Congregation for the Propagation of the Faith to the Procurator General of the Sons of the Sacred Heart of Jesus, 26 Jan., 1954 (Prot. N. 166/54), is as follows:

In a letter of 15 January, A'our Paternity proposed to this Sacred Congregation the following questions:

Questions: 1. In Mission territories where the sacred Hierarchy has recently been established, whether Bishops arc bound

by canon 339, as to the celebration of Masses *"pro populo,"* or by canon 306 for Vicars and Prefects Apostolic.

2. Whether pastors in Mission territories are bound by canon 466 as to the celebration of Masses *"pro populo."*

3. Whether, in Mission territories in which the sacred Hierarchy has recently been established, canon 309 on the government of the Church during the vacancy of the See, is in effect or on the other hand the norms given in Chapter VU, Part I. Book II, *De Sede Vacante* (canons 429-444), so that the Diocesan Consultors are to elect a Vicar Capitular (canon 427).

Replies: After duly considering everything, this Sacred Congregation has decided to reply:

1. Residential Bishops in Mission territories can celebrate the Masses *"pro populo"* according to canon 306.

2. Pastors in Mission territories can celebrate the Masses *"pro populo"* in the same way as quasi-pastors.

3. Mission dioceses which are canonically erected are governed, during the vacancy of the See, by the same law as other dioceses.

(Private) ; S. C. Prop. Fid., 26 Jan., 1954. Reported by Paventi in *Monitor Ecclesiasticus,* 1954, p. 200.

CANON 375

Archives: Regulations regarding the study of manuscripts and documents which arc in ecclesiastical or religious archives in Italy. S. C. Cone., 30 Dec., 1952 (AAS 45-101). Annotations in *Commentarium pro Religiosis, 32* (1953)-162.

CANON 431

Vacancy of Sec: In Missions. Sec c. 339; S. C. Prop. Fid., 26 Jan , 1954

CANON 451

Religious Military Chaplains (S. C. Rel., Instruction, 2 Feb., 1955) AAS 47-93.

An Instruction of the Sacred Congregation of Religious on Religious Military Chaplains:

Since priests of the secular clergy are often insufficient in number, Military Vicars must at times receive members of

religious Institutes or of Societies of common life, to exercise the sacred ministry for the benefit of armed forces.

Accordingly some Legates of the Supreme Pontiff have inquired whether this Sacred Congregation has established any special regulations and norms on this subject.

In the Instruction of the Sacred Consistorial Congregation on Military Vicars, of 23 April, 1951, n. 13,[1] issued with the previous approval of the Supreme Pontiff, the following provision was made: "Also excellent and well tried religious priests should be chosen for the office of chaplain, observing however the special norms laid down for them by the Sacred Congregation of Religious; and these men if possible should be assigned to places where there is a house of their Institute."

The Sacred Congregation of Religious, therefore, in its diligent solicitude for the perfection of religious, has decided to issue this Instruction outlining the principles according to which the office of chaplain can safely be accepted and establishing norms for fulfilling it in a holy and fruitful manner in cases where it is to be accepted.

Art. I. *The Appointment and Removal of Religious Military Chaplains and Vigilance Over Them*

1. The office of military chaplain, which cannot be exercised by a priest while remaining in his own religious house and observing all the practices of the common life, but which on the contrary demands that nearly his whole life be continuously spent outside the religious family and in the manner of a military and secular person, should not be accepted unless there is a real necessity for it, that is, when there arc not enough chaplains from the secular clergy.

2. The appointment of religious to the office of military chaplain and their removal, are canonically regulated by the same rules and norms which govern the appointment and removal of religious pastors (canons 456, 454, §5; observing however Art. Ill, η. 1 of this Instruction). Vigilance over them and their correction pertain to the Military Vicar and their religious Superiors according to canon 631 and the Instruction of the Sacred Consistorial Congregation.

[1] AAS, 43-564; Canon Law Digest, 3, p. 116.

3. In this matter the local Ordinary means the Military Vicar

4. In view of the peculiar circumstances in which this ministry is exercised, the religious Superior should not, without serious reflection and unusually grave reasons, impose it upon any one against his will.

Art. II. *The Necessary Qualifications of a Military Chaplain*

It is an obligation in conscience upon those concerned to choose for the office of military chaplain, in time of peace, religious:

1) Who have reached their thirty-fifth year, or in case of real necessity, have completed at least thirty years, on condition however, that they show real maturity of character.

2) Who are outstanding in learning, piety, and religious spirit and do not take the office for the sake of enjoying a false liberty

Art. III. *The Duration oj the Office*

1. Religious military chaplains can be removed from office for just cause at the discretion of the Military Vicar and of the religious Superior. The religious Superior should in due time so arrange the matter with the Military Vicar that the chaplain's removal occasion neither any difficulty with the military authorities nor any detriment to the apostolic ministry.

2. Religious military chaplains are not to be appointed for more than five years, and the consent of the religious Superiors should be renewed every two years.

3. They should not again assume the same office until they shall have submitted themselves willingly and humbly to perfect religious discipline in a religious house for at least some months. The religious Superior upon his conscientious responsibility can dispense from this obligation especially those who during their service as chaplains were not entirely deprived of the benefits of a religious community life.

Art. IV. *The Religious Condition of the Military Chaplain*

1. The religious military chaplain is not to be numbered among excloistercd religious (canon 639) but rather among those who, as long as they retain that office, are legitimately absent to work in the sacred ministry, remaining subject to their Superiors (canon 606, § 2).

2. Military chaplains, as religious legitimately absent, enjoy the rights and privileges of their Institute and can retain or assume such offices in their Institute as do not conflict in law or in fact with the office of military chaplain.

3. The religious military chaplain is likewise bound by his vows made to God, and has the obligation ever faithfully to keep them. Xor does he cease to be bound by the rules, Constitutions, and prescriptions of the life which he has professed, when these are consistent with his state and office.

Art. V. *The Religious and Priestly Discipline of the Military Chaplain*

1. As to the priestly discipline of the religious military chaplain. attention is called to the Instruction for Military Vicars issued by the Sacred Consistorial Congregation on 23 April 1951."

2. Major Superiors should give to those of their subjects who receive the grave charge of military chaplain, letters of obedience in which the precepts of the present Instruction are defined for particular conditions and places, and also prudently supplemented if that seems providentially desirable.

3. In the first place every religious military chaplain should be assigned to some house of his own Institute, whose Superior 'hould have charge of such a religious both spiritually and materially.

4. If the number of religious military chaplains seems, in the judgment of Major Superiors, to demand it, an Office may Recreated for the Province, region, or country, which under the vigilance of Superiors shall have charge of the chaplains spiritually, intellectually, and materially, and assist local Superiors, or partly take over their duties.

5. It is also very advisable that one or two religious military chaplains be assigned to the Military Vicar to advise him and to assist the religious who are in the service.

6. *a)* Religious Superiors, personally or through the Office mentioned above (n. 4), should see to it that religious chaplains be stationed if possible in places where there is a house of their own Institute; and this is also earnestly recommended to Military Vicars.

*AAS, 43-562; Canon Law Digest, 3, p. 113.

b) Religious chaplains shall if possible spend the night in a house of their own Institute or, if there is none, in another religious or at least pious house.

c) Superiors shall constantly admonish the chaplains to put diligently into practice the norms of prudence and the appropriate safeguards which are laid down in the Constitutions, rules, and statutes of their Institute for the protection of chastity.

rf) Religious Superiors shall at appropriate times and often inquire of the Military Vicar how the chaplains who are his subjects are behaving, and in a proper case shall also confer with him about a particular religious chaplain who needs to be forbidden some dangerous association or to be effectively stimulated to do his duty diligently.

7. ‹z) A religious chaplain must be well aware that he is under the authority of his Superiors in almost the same way as religious who have charge of a parish. Consequently, of course without prejudice to the rights of the Military Vicar, his whole religious and priestly life is subject to their vigilance, inspection, and judgment. He is to ask and obtain from them, as occasion offers, the dispensations and faculties which he may need concerning the religious life. He may also, according to the prudent judgment of his Superiors, follow the *Ordo* established by the Military Vicar for saying the Office and celebrating Mass (Instruction of the Sacred Consistorial Congregation, n. 7).3

ò) At the times fixed by Superiors, the religious chaplain must give an account of receipts and expenses to the religious Superior to whom he is immediately subject, so that his poverty mav suffer no harm.

c) Whatever money is left over as not needed for his necessary living expenses nor spent in the course of his office shall be turned over by the religious chaplain to his religious Superior according to canon 594, § 2, with due regard to the prescriptions, if any, of the laws of his country or of the Military Vicar regarding mutual financial assistance to be given by military chaplains to one another.

8. *a)* There should be regular correspondence by letter between the religious chaplain and his superiors.

b) Superiors whenever they can should come in person to visit

3 Canon Law Digest, 3, p. 115.

the chaplains, or should send others to do so in their name.

c) Superiors should see to it that members especially of the house to which chaplains are assigned and of houses situated in the place where they are staying, visit the chaplains and invite them to return the visit, and treat them with unfailing fraternal charity. Superiors should willingly practice the same charity toward other religious military chaplains who are far from any house of their own Institute.

9. *a)* Religious chaplains should strive to excel among military chaplains in their spirit of brotherly love and in the ardor of their priestly zeal, and thus to present a living likeness of a "ood soldier of Jesus Christ.

b) They should faithfully perform the duty of making the spiritual exercises every year, observing the custom of retiring to a house of their own Institute for that purpose.

c) Once a month they should retire to the religious house for recollection, and there, apart from the world, spend the day in spiritual meditation.

d) Whatever time by way of furlough is regularly allowed, or granted on request, should be spent by the chaplains, not with relatives or in places of their own choice, but in religious houses or in places assigned to them by Superiors, and under obedience to them.

10. The prescriptions of Articles IV and V are to be observed even in time of war.

Rome, 2 Feb., 1955.

?\AS 47-93; S. C. Rd., Instruction, 2 Feb., 1955. Annotations, *Commentarium pro Religiosis,* 1955, p. 65 (Gutierrez), and *Monitor Ecclesiasticus,* 1955, p. 236 (Gutierrez).

Military Vicariate for the United States (S. C. Consist., 8 Sept., 1957) AAS 49-970.

A Decree of the Sacred Consistorial Congregation:

The Roman Pontiffs, guiding in the plenitude of Apostolic authority the mystical bark of Peter, tossed by storms on every side yet holding staunchly to its steady course, do their utmost to help the faithful to walk securely in the path of salvation.

Indeed, in the United States of America, the faithful who are in military service and those who are in any way assigned to the armed forces have for many years been the object of earnest

vigilance and paternal care on the part vï the Church through her Bishops and her priests.

But in order that this ministry may be more and more perfectly brought into line with the sacred canons and that the persons concerned may be more abundantly benefited by the privileges and advantages which are proper to Military Vicariates, His Holiness by divine Providence Pope Pius XII, after having received a favorable opinion from His Excellency Amleto G. Cicognani, titular Archbishop of Laodicea in Phrygia and Apostolic Delegate in the United States of North America, has graciously deigned to accede to the earnest request of His Eminence Francis Cardinal Spellman, Archbishop of New York and Military Vicar, for the erection of a Military Vicariate.

Wherefore, upon motion of the undersigned Cardinal Secretary of the Sacred Consistorial Congregation, and supplying as far as may be necessary' the consent of those who have or claim to have an interest in the matter, His Holiness does by the present Consistorial Decree erect and establish the Military Vicariate of the United States of North America.

The Military Vicariate thus established will consist of: the Military Vicar, the Auxiliary Bishops whom the Holy See may decide to appoint, chaplain delegates or major chaplains appointed according to need, and minor military chaplains.

The seat of the Military' Vicariate and of its Curia — organized like a diocesan Curia — shall be in the citv of New York.

The office of Military Vicar will be conferred by special Decree of the Sacred Consistorial Congregation, now and in the future, upon the Archbishop of New York for the time being, who shall consequently be invested with both jurisdictions.

The Military Vicar will have personal jurisdiction, ordinary for both the internal and external forum, special and cumulative with the jurisdiction of local Ordinaries according to the Instruction *"Sollemne semper"* issued by the Sacred Consistorial Congregation on 23 April, 1951?

In stationary camps and in places reserved to the soldiers, jurisdiction shall be exercised in the first place and principally by the Military Vicar: secondarily, that is. when the Military Vicar and his chaplains are absent or not available, yet always

' AAS 43-562, Canon Law Digest. 3, p 113.

in their own right, by the local Ordinary and pastor, with an understanding when possible with the Military Vicar.

The following shall be subject to the jurisdiction of the Military Vicar:

1. Secular and regular priests who are called to the office of military chaplain for the armed forces of the United States of North America, habitually, or even not habitually but while they are so occupied.

2. Priest chaplains of hospitals which are called "Veterans' Administration Hospitals and Domiciliaries."

3. All the faithful: who are actually enlisted in the armed forces, terrestrial, aerial, or maritime; or who belong to those forces in any way under military discipline; or finally who are subject to laws enacted for those forces.

4. The faithful who belong to the "Coast Guard," "National Guard," "Air National Guard," or "Civil Air Patrol," provided they are living in common in the military fashion.

5. The families of persons mentioned in n. 3, that is, their wives, children, servants, relatives and connections, who in their own country habitually live with them or outside their own country accompany them in any way; also in the same circumstances the Catholic family of a service man even though he be not a Catholic.

6. All the faithful of both sexes, whether they belong to a religious institute or not, who are assigned to and are staying in hospitals, military schools, or the institutions mentioned above, that is, "Veterans' Administration Hospitals and Domiciliaries."

7. All the faithful of both sexes who live together in stations of the armed forces or in houses reserved by the civil Government for the forces and the families of the soldiers.

Since, however, in the United States of North America, especially in distant places, some military posts are laid out like a village, with houses in which the soldiers live each with his own family, and since the local Ordinary cannot provide spiritual care for them there through the pastor or missionary or any other priest, and cannot without grave inconvenience go there himself, the Holy See permits that all who live in such villages be subject to the personal jurisdiction of the Military Vicar as long as these conditions continue, with notice to the local Ordinary in particular cases.

All the chaplains both major and minor are appointed, *servatis servandis,* by the Military Vicar and are entirely subject to his ordinary jurisdiction during their office. As regards ecclesiastical discipline, however, the chaplains will be subject also to the jurisdiction of the Ordinary of the place where they happen to be. and he will have the right, in urgent cases and when the Military Vicar cannot act, to proceed against them even with canonical sanctions in a proper case, giving notice immediately to the Military Vicar.

In the case of religious military chaplains, the Instruction of the Sacred Congregation of Religious *De cappellanis militum*

years on the condition of the Military Vicariate, replying to the questions according to the prescriptions of the *Formula Servanda* of the Sacred Consistorial Congregation, 20 October, 1956.

During the vacancy of the office of Military Vicar, unless the Holy See provides otherwise, the government of the Military Vicariate — until a new Archbishop of New York takes possession of his See — shall be in the hands of that Auxiliary, or if there is none, of that major chaplain or delegate, who has seniority according to canon 106, 3° of the Code of Canon Law.

The one who takes over the government of the Military Vicariate under these circumstances will have all the faculties and those only which — *congrua congruis referendo* — belong to a Vicar Capitular, and will have the same obligations. Especially it shall be his duty to notify the Sacred Consistorial Congregation that he has taken charge, and to ask for instructions.

For executing these mandates His Holiness has deigned to depute His Excellency Amleto G. Cicognani above mentioned, giving him the necessary and appropriate faculties, also to subdelegate for this purpose any ecclesiastical dignitary, and charging him with the duty of sending as soon as possible to the Sacred Consistorial Congregation the authentic record of such execution.

And he ordered that the present Consistorial Decree on these matters be issued, to have the same value as if an Apostolic Letter *sub plumbo* had been sent.

Given at Rome from the office of the Sacred Consistorial Congregation, on the 8th of September, feast of the Nativity of the Blessed Virgin Mary. 1957.

AAS 49-970; S. C. Consist., Decree, 8 Sept., 1957.

Military Vicariate: Argentina: S. C. Consist., 8 July, 1957 (AAS 49-866).

Belgium: S. C. Consist., 7 Sept., 1957 (AAS 49-940).

Canada: jurisdiction extended. S. C. Consist., Decree, 19 April, 1956 (AAS 48-628).

Chile: jurisdiction extended. S. C. Consist., Decree, 1 May, 1956 (AAS 48-803).

Erected for Great Britain. S. C. Consist., Decree, 21 Nov., 1953 (AAS 46-144).

Formula for triennial report, required by Instruction of S. C. Consist., 23 Apr., 1951, n. 9 (cf. Canon Law Digest, 3, p. 113), now promulgated. S. C. Consist., 20 Oct., 1956 (AAS 49-150).

Holland: S. C. Consist., Decree, 16 Apr., 1957 (AAS 49-742).

CANON 466

Pastor in Mission Diocese: Mass *pro populo*. See c. 216; S. C Prop Fid 11 Jan., 1930; c. 339; S. C. Prop. Fid., 26 Jan., 1954.

CANON 469

The Apostolate of the Cinema (S. C. Rel., Instruction, 11 May, 1953) Private.

An Instruction of the Sacred Congregation of Religious on the Apostolate of the Cinema, is as follows:

"In our times," wrote Pope Pius XI in the Encyclical, *Vigilanti cura,* of 29 June, 1936, "there is need of vigilance and effort that the cinema may be no longer a school of corruption but may become a precious instrument for right education and a higher standard of morality."

This vigilance and effort, so often recommended also by the present Sovereign Pontiff, have been worthily exercised both by the Pontifical Office of the Cinema, which was established by the Holy See to study those problems of the cinema which have a relation to faith and morals, and by the Catholic Hierarchy and the secular and religious clergy', who have followed and continue to follow the grave problem of the cinema with attentive solicitude. "Among modern forms of entertainment, this one has achieved a position of universal importance" (Pius XI, *ibid.).* and it has now become a need, strongly felt not only among the people of large cities but even in small rural communities.

The concrete results of the interest which the Bishops and the clergy have taken in the problems of the cinema, are the numerous exhortations and regulations which have been issued by ecclesiastical authorities in various countries, and the many projects which have been launched to protect the spiritual interests of the faithful and to exercise a morally elevating influence in the moving picture industry. Worthy of special mention in this connection are the cinematographic theaters which are conducted, often at considerable sacrifice, by priests and religious who have the care of souls or are in charge of specialized apostolates of an educative or social nature. These halls not only afford the faithful, and especially the young people, a healthy form of amusement, but they are often an effective means of education and of progress in culture and religious spirit.

There are, however, some drawbacks, resulting chiefly from the real difficulties which the managers of Catholic movie halls must encounter, the scarcity of films which are morally sound and the financial burdens which the said managers have to bear. These difficulties, though they be keenly felt, evidently cannot justify the showing in a Catholic hall, of films which are morally objectionable.

Certainly many of these difficulties are finding and will find an adequate solution in the words of Pius XI in the Encyclical alreadv cited: "The establishment of these Catholic theaters, which are often good customers for the movie industry, makes it possible to claim a new right, namely the right to demand that the industry itself produce films which are in full accord with our principles and which will easily get a showing not only in Catholic halls but in other movie houses as well."

To earn,· out these directives, national Catholic associations of practical moving picture men have been and are being organized in different countries according to the exigencies of this form of apostolate. These associations have as their definite purpose to represent the moral and material interests of the Catholic houses before the civil authorities, to defend their rights in respect to other associations, and to give them legal, administrative, and financial assistance. How appropriate it is. not to say necessary, that Catholic houses should belong to such associations — a thing which, for that matter, has often been emphasized by ecclesiastical authorities — scarcely needs further mention.

The Encyclical, *Vigilanti cura,* further provides, "that in every country the Bishops should establish a permanent national Reviewing Board which may promote good shows and classify others, and make their decisions known to priests and the faithful."

The decisions issued by the national Reviewing Boards should furnish a norm for every one; and the faithful should conform to them, both to avoid the occasions of sin and scandal and to take a stand against immoral films, thus inducing the producers to tum out better pictures.

When one considers the number of religious Institutes which profess as their proper end, according to their Constitutions approved by the Holy See, to practice the apostolate of the cinema, not only by showing and distributing morally good films but also by producing them, it is easy to see how large a part religious

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have, both *de iure* and *de jacto,* in this apostolate which is developing in all parts of the world.

If one further considers the work being done by religious men and women who are engaged in teaching, in relief work, in youth and adult education, and in all the other forms of apostolate, it becomes evident that they come in contact more and more, though indirectly, with the world of the cinema.

The problem of the apostolate of the cinema concerns not only the parishes which are entrusted to religious but also the Associations which religious Institutes of men and women organize and control for young people everywhere.

This fact is supported by statistics: indeed this Sacred Congregation of Religious has direct information that a very important percentage of the Catholic moving picture houses in various countries are conducted by persons who depend upon this Sacred Congregation. In Italy, for example, on the basis of precise investigations, out of four thousand cinema halls which depend upon or are controlled by ecclesiastical authorities, more than half belong to religious men or women. (The industrial movie houses number about eight thousand.)

Accordingly, for the purpose of providing more adequately for the complex and urgent needs of this sector of the apostolate of religious, with a conviction of the great educational importance of the cinema, both as a positive auxiliary of the apostolate (for liberal and Christian training) and as a negative one (as a preservative), this Sacred Congregation of Religious has deemed it opportune by the present Instruction directed to the Very Reverend Superiors General and Superioresses General of the religious Institutes which directly or indirectly exercise this apostolate, to provide according to its competency as follows:

1. Since the public management of cinema halls constitutes a *commercial activity* in the sense of the Code of Canon Law (canons 142, 592, 2380) and of the Decree, *De vetita clericis ct religiosis negotiatione ct mercatura,* of 22 March, 1950,[1] religious who intend to open a hall must ask the permission *(nulla osta)* of the Holy See (S. C. of Religious), which is necessary to remove the canonical impediment established by the law itself and sanctioned by canonical penalties.

[1] AAS, 42-330; Canon Law Digest, 3, p. 6S.

2. It is considered that *public management* in the sense of the present Instruction exists when the religious — either for themselves or for others (c. 142) — conduct a moving picture theater showing films for the general public and at the same time engaging in any lucrative activity whatever.

3. Xo permission of the Holy See (that is, in the instance, of the S. C. of Religious, according to canon 7) is required when there is question of private showings, that is, when either the shows are not destined for the public or admission is free of charge.

4. The S. C. of Religious in granting the *nulla osta* will hear the opinion of the Pontifical Commission for the Cinema, the organ of the Holy See for the study of problems connected with the cinema which have a bearing on faith and morals.

5. When the canonical impediment mentioned in η. 1 is removed, the Institute becomes capable of exercising the activity in question, which as a consequence is legitimate.

6. Thereafter, in deciding that it is advisable in view of all the conditions of place, persons, and circumstances to open a hall to the public, the *nulla osta* of the Ordinary of the place is required, together with that of the major religious Superior.

7. It is to be noted that, according to the principles of canon law, the regulations issued by the Most Excellent diocesan Ordinaries in regard to the apostolate of the cinema in what concerns the faith, morals, or public order, are binding on religious, including exempt religious, who conduct moving picture halls that are open to the public.

8. The holder of the license for a moving picture hall operated by religious can be only the Superior of the house to which the hall is attached or on which it depends, the religious Pastor, or a delegate of either; never a lay person.

9. It will not be permitted except by way of very rare exception duly proved, to transfer the management of a (religious) hall temporarily or permanently to private parties. The *nulla osta* mentioned in η. 1 never includes this permission.

10. The managers arc bound in conscience to keep a careful watch during the exhibitions, to forestall dangers or untoward occurrences of any kind.

11. The making up of the programs for the shows belongs exclusively to the holder of the license, and he is always responsible for it, even if he employs lay helpers.

12. The films to be shown may be selected only from among those which are classified as suitable *jor all persons* by the permanent national Reviewing Board, or from among those classified as suitable *jor adults,* but this by way of exception and with the proper corrections according to the regulations issued by the Ordinary.

13. In no case will the showing of films be permitted, which are classified by the competent national Reviewing Board as: *jor adults with reservations,* or *not recommended,* or *excluded.*

14. The exposition of publicity material or posters on the façade or near the entrance of the church is to be avoided.2

Rome, 11 May, 1953 (Prot. N. 01666/53).

(Private); S. C. Rel., Instruction, 11 May, 1953.

Note: This translation is made from the Italian text published in *Commentarium pro Religiosis,* 32-254. Strictly speaking, even the fourteen specific regulations reported above are not absolutely obligator)' outside of Italy; for according to the practice of the Roman Curia, documents intended for universal application as formally binding, are issued in Latin (cf. *Commentarium pro Religiosis,* 31-249) whereas this is in Italian only. However, the expositor)· parts of the Instruction are evidently of universal value for religious; and its dispositive provisions are virtually universal in as much as they express the mind of the Holy See and indicate a legitimate practice which is independent of locality, and which might reasonably in the future be extended so as to become formally obligatory everywhere. Cf. Annotations in *Commentarium pro Religiosis,* 32-258 (Canals).

CANON 487

Consecration of Virgins: Induit to Benedictine Sisters in the United States, With Its Interpretation (S. C. Rel., 24 Oct., 1950, and 24 Sept., 1952) Private.

Petition: The Procurator General of the Swiss Congregation of Benedictines, humbly prostrate at the feet of Your Holiness, by the special mandate of the Illustrious and Most Reverend Abbot-Primate and at the ardent desire of the Superiors of the Benedictine Sisters of the United States of North America, present in Rome, on the occasion of a pilgrimage, petitions that an induit

2 Here follow six specific regulations for Italy only, which we omit from this report

be granted for the reception of the Consecration of Virgins. Moreover he humbly asks that in addition to the Bishops of the United States, who often are so greatly preoccupied, also the .Abbots of the Benedictine Order of the United States may be permitted to perform the Consecration.

Rescript: In virtue of the faculties granted by our Most Holy Father, the Sacred Congregation in Charge of the Affairs of Religious, after having considered the matter proposed by the Right Reverend Procurator General, petitioner, graciously commissions him to grant the desired favor, as petitioned, according to his judgment and conscience, observing all that has to be observed.

All things to the contrary notwithstanding.

Given at Rome, on the 24th of October, 1950.

(Private); S. C. Rel., 24 Oct., 1950 (N. 8855/50).

Note: After the promulgation of the Apostolic Constitution, *Sponsa Christi,* 21 Nov., 1950 (Canon Law Digest, 3, p. 221), some doubts arose as to whether the above privilege was abrogated. This and several other points were clarified by Father Larraona, Secretary of the S. C. of Religious, on Sept. 24, 1952, as follows:

Interpretation: 1. Since the Induit given to the American Benedictine Sisters is a *privilege,* the *Sponsa Christi* does not abrogate the privilege. For the present, the privilege certainly may be used.

2. The privilege was granted according to the customs and the approved Constitutions of the American Benedictine Sisters; hence the obligation of solemn vows does not hold.

3. For the same reasons the Sisters are not bound to papal enclosure.

4. No obligation for the individual recitation of the divine Office is attached to the use of this privilege. The Monastic Office recited in choir suffices.

5. Regarding the inviolability of virginity as an essential qualification, we may say that all who have never been married may be admitted to the ceremony, provided they have vowed themselves to God in perpetuity. The forum of conscience is not to be infringed upon. One who has dedicated herself to God in the state of virginity in contradistinction to the state of matrimony is eligible for the privilege.

6. In the early Church, the age for this complete consecration to God was forty years. This need not be adhered to in the use of the privilege. It might be wise to defer the consecration until some years iter perpetual vows, as an incentive for a deeper and more mature

spirituality. Some think that *ten years* after perpetual vows would be a mature time.

(Private) ; S. C. Rel., 24 Sept., 1952. The text of the Induit and interpretation was graciously supplied by the Superioress of St. Walburg Convent, Covington, Kentucky.

Norms for Congresses of Religious and Members of States of Perfection (S. C. Rel., Decree, 26 March, 1956) AAS 48-295.

A Decree of the Sacred Congregation of Religious, entitled: "Norms Regarding Congresses on the Appropriate Renovation of the States of Perfection," is as follows:

That salutary and fruitful movement for the appropriate renovation of the states of perfection, which happily took its rise from the great Congress held in Rome toward the close of the Holy Year 1950 under the paternal and distinguished leadership of His Holiness Pius XII, has during this entire five-year period (1950-1956) everywhere produced abundant results, both as to religious perfection and formation and as to the apostolic ministry and the coordination of institutes among themselves.

But in order that this beneficent renewal and adaptation may proceed in a wise and orderly manner, that it may make continual progress, grow in intensity, and spread with greater security, the Sacred Congregation of Religious, after obtaining the permission and approval of His Holiness in the Audience granted to His Eminence the Cardinal Prefect of this Sacred Congregation on the 3rd of November 1955, decided to establish the following norms which shall be especially applicable when there is question of a renewal of the discipline and internal life of the states of perfection, without prejudice, of course, to the rights of Ordinaries as provided in the sacred Canons.

1. Conventions or Congresses, diocesan, regional, or national, or courses of lectures and special classes for men or women who are members of states of perfection, in which their internal life. juridical condition, or the education and formation to be given in them are dealt with, may not be conducted or begun without consulting the Sacred Congregation of Religious. For a fundamental law and the very nature of the matter require that the Holv See, to which the supreme and effective control of the public state of perfection is reserved, should be assured both as

regards the doctrine and the appropriateness of the programs and also as regards the competence and experience of those who are to preside or to teach at these sessions.

2. Therefore those who promote or preside over these conventions and courses should take care to present to this Sacred Congregation in due time a schedule of the subjects and speakers; and after the convention is over, the one who was in charge should report to the same Sacred Congregation on the matters that were treated, the discussions that were held, the conclusions that were drawn, and in general on whatever concerns the appropriate renovation of the states of perfection.

3. In places where there are already in existence federations or councils of Major Superiors with their own statutes and special commissions approved by the Holy See, it will be appropriate that they choose and present to the Sacred Congregation well qualified men to speak in these conventions and courses.

4. It would be a commendable move on the part of the Most Excellent local Ordinaries to call together members of the states of perfection who have a house in the diocese and exercise the ministry there, in order to consider and to communicate or paternally discuss with them matters regarding their ministry, in as far as these arc of legitimate concern to the diocese. Such meetings are warmly recommended because they seem decidedly well suited to manifest and to further unity with the Father and Pastor of the Hock and to promote and effectively direct the works of the apostolate.

If these things are earnestly and carefully attended to. far from hindering or repressing assemblies, conventions, and any sort of project for the appropriate renovation of the states of perfection, they will help them very much to become ever more productive of good results.

All things to the contrary notwithstanding.

Given at Rome, the 26th of March, 1956.

AAS 48-295; S. C. Rel., Decree, 26 March, 1956.

Principles and General Statutes for Those Called to States of Perfection (Pius XII, Ap. Const., 31 May, 1956) AAS 48-354.

This Apostolic Constitution is entitled: “Principlesand General

Statutes by which Should be Inspired and Governed Those Who Are Called to Embrace a State for Acquiring Religious Perfection, and Their Educators."

Pius, Bishop, Servant of the Servants of God, for a perpetual memorial:

The Seat of Wisdom, Mother of God the Lord of the Sciences,[1] and Queen of the Apostles,[2] the Most Holy Virgin Mary, to whose veneration We consecrated an entire year, is truly in a special manner the Mother and Mistress of all those who embrace a state for acquiring perfection and at the same time aim to march in the apostolic militia of Christ the Supreme High Priest. For in order to apply themselves effectively to adopting and developing properly so great and exalted a vocation, one which is both priestly and apostolic, they have great need of the guidance and assistance of her who is the Mediatrix of all the graces of sanctification and is truly called the Mother and Queen of the Catholic priesthood and apostolate. We therefore eagerly implore her favor, that she who obtained for Us the light oi divine grace in decreeing these norms, may by her patronage stand by to assist those whose duty it is to put them into practice

I

It is a great blessing of Divine Providence that right down through the centuries Christ the Redeemer has constantly breathed into souls of His choice, as if by an interior and mystical speech, that invitation which His living voice once extended to the young man inquiring about eternal life: "Come, follow me."[3] A goodly number of those who by the grace of God have accepted that invitation and professed with the holy Apostles, "Behold, we have left all things and have followed thee."[4] our Lord has likewise constantly made "fishers of men,"[5] and has chosen them as laborers,[6] sending them "into his harvest."

This is as true today as it was of old, since the conjunction oi the states for acquiring perfection with the priestly dignity and the apostolic office has ever grown more frequent and more intimate. In olden days the Monks were for the most part not

[1] Cf. 1 Kings 2:3.
[2] From the Litany of Loretto
[3] Mt. 19:21.
[4] Mt. 19:27.
[5] Mt. 4:19.
[6] Mt. 9:38.

priests; only a few of them, compelled as it were by necessity to receive priestly orders so that the nations might be converted to Christianity, became almost separated from their proper Rule; afterward the Mendicants, although they were imbued with a wonderful apostolic spirit, were not all summoned by their Rule to the priesthood — even the saintly Father of Assisi did not receive it; the Canons Regular, on the other hand, and likewise particularly the Clerics Regular, were accustomed to receive and exercise Sacred Orders as part of their special divine vocation. Afterward a great number of Congregations and Societies of common life, likewise clerical, did the same. And now, as God always provides for the needs of successive ages, we have also some Secular Institutes which are likewise clerical.

At the present time, moreover, also in the older Orders of the Latin Church which are not formally designated as lay institutes.7 all the members, with the exception of those who are called co-adjutors or *conversi,* are destined for the priesthood, which moreover is absolutely required for those who are charged with the government of those Orders.

Accordingly in our days the Church has a great host of ministers who apply themselves at the same time to the acquirement of perfection through the evangelical counsels and to the performance of priestly functions. This multitude constitutes what is called the religious clergy, side by side with that which is called secular or diocesan, both, however, thriving and flourishing in fraternal rivalry and enjoying the fruits of mutual assistance, under one and the same supreme authority of the Roman Pontiff, without prejudice, of course, to the power of the Bishops,

Xow everyone knows that that religious clergy, in order to achieve its twofold purpose fittingly and securely, must have very wise regulations to govern and promote the education and the religious as well as the clerical and apostolic training of its members.

This need has indeed hitherto been very well fulfilled by the constitutions of the various Institutes or by their statutes on the training of youth or on the arrangement of the course of study: and certainly there arc also prescriptions and recommendations of the Holy Sec on this matter. Nevertheless the need has long

TCf. canon 488, 4°.

been felt of some general ordinances, well coordinated and mort complete, fortified by the authority of the Holy See and to be observed everywhere by all, in order that this important activity which concerns closely the good of souls, may be assured of a successful development and completion through continuous and well directed effort.

A work of such excellence demands the constant vigilance oi the Apostolic See itself; for, just as diocesan schools for clerics, in their character of public ecclesiastical institutions, are placed under the active care and constant control of the Holy See acting through the Sacred Congregation of Seminaries and Universities,' so for the same reason the special schools for the states of perfection, which are recognized and sanctioned by the Church, are public and are under the authority of the Sacred Congregation of Religious.0

For these several reasons, as early as the year 1944 We authorized, within the Sacred Congregation of Religious, "the erection and establishment ... of a special Body or Commission of chosen men, which shall deal with all questions and matters pertaining in any way to the religious and clerical education and to the training in literature, science, and ministry of aspirants, novices, and junior members of all religious institutes and societies living in common without vows."[11]

This Commission, made up of learned men from various religious institutes and countries, after having examined all the extant documents on the subject and received reports in response to the Circular Letter which was sent to all Superiors General," had already done a great deal of work when the general Congress of the states of perfection was convened in 1950. Thereafter the Commission, making use of various appropriate suggestions which had been presented at the Congress, reexamined and revised the

8 Ci. canon 2S6.

9 Cf canon 251; Pius XII, Ap. Const., *Provida Mater,* art. IV, § 1, 2 Feb., 194", .4 IS, Vol. 39, p 121 *(Enchiridion de statibus perfectionis* Rome, 1949, n. 387, p. 584; Canon Law Digest, 3, p. 135.

10 S. C. Rcl., Decree, Quo *efficacius,* 24 Jan., 1944; /1.-15, Vol. 36, p. 213 *(Enchiridion,* n 381, p. 560); English text, Canon Law Digest, 3, p. 100

11 S. C. Rcl., Circular Letter, *Quantum conferat,* 10 June, 1944 *(Enchiridion,* n. 382, pp. 561-564) ; published also in *Periodica,* Vol. 33, p. 246. Ci. Canon Law Digest, 3, p. 101, note.

plans they had already prepared and submitted them for Our approval.

Accordingly We now decree a certain number of Statutes, first, however, presenting some fundamental principles and norms concerning the religious, clerical, and apostolic training of the members, which are always to be observed by all.

II

First, We would have everyone remember that the foundation of the religious and of the sacerdotal and apostolic life, which is called a divine vocation, consists of two essential elements, one divine, the other ecclesiastical. As to the first of these, a call from God to enter the religious or the sacerdotal state is so necessary that if this is lacking the very foundation on which the whole edifice rests is wanting.

For, whom God has not called, His grace does not move nor assist. For that matter, if a true vocation to any state of life is considered in a certain sense divine, in as much as God is the principal author of all states of life and of all dispositions and gifts, natural and supernatural, how much more is this true of a religious and priestly vocation, which is of such exalted splendor and is made up of gifts so numerous and so great that they can come down only "from the Father of lights, from Whom is every best gift and every perfect gift."[12]

Passing on now to the other element of a religious and priestly vocation, let us recall the teaching of the Roman Catechism, that *"they arc said to be called by God, who are called by the lawful ministers of the Church."*[13]

And this not only does not contradict what We said about a divine vocation, but is strictly consistent with it. For the divine call to the religious and clerical state, since it destines a man to lead publicly a life of sanctification and to exercise the hierarchical ministry in the Church, that is in a visible and hierarchical society, has to be authoritatively approved, admitted, and controlled also bj" hierarchical superiors, to whom the government of the Church has been divinely entrusted.

And this must be kept in mind by whoever has charge of find-

12 Cf. James 1:17.

13 *Catcch. Rom. ad Parochos,* cura Pii V editus, pars II, cap. 7.

ing and approving these vocations. Never should they in anyway coerce anyone into the sacerdotal or religious state;[14] nor should they entice or admit anyone who does not show signs of a genuine call from God; nor promote anyone to the clerical ministry if he shows that he has received from God only a religious vocation: neither should they, in the case of those who have received from God also the gift of a priestly vocation, limit them to the secular clergy or try to draw them to it; finally, let them never turn away from the priestly state one who gives reliable signs of bein'; called to it by God.[15]

For it is evident that those who aspire to the clerical ministry in a state of perfection, and for whom these norms are intended, must unite in themselves all the elements which are needed tn constitute a multiple vocation of this kind, religious, priestly, and apostolic, and hence must have all the gifts and qualities which are necessary for fulfilling such exalted divine functions.

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III

It is clear that the germs of a divine vocation and the qualities needed for it, if they are present, require education and training to develop and mature them. For there is nothing that attains perfection the moment it is born; perfection is acquired through gradual progress.

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14 Cf. canon 9“

in the whole matter ol training they are more influenced by virtue and right conduct than by words.10

In fulfilling this most important duty, let educators have as their first rule the one which our Lord announced in the Gospel when He said: "I am the good shepherd. The good shepherd giveth his life for his sheep. ... I am the good shepherd; and I know mine, and mine know me";17 and which Saint Bernard expressed in these words: "Learn that you are to be mothers to your subjects, not masters; strive rather to be loved than to be feared";18 and the Council of Trent itself, frequently exhorting ecclesiastical superiors, "considers that they should be urged first of all to remember that they are shepherds and not slave-drivers, and that they must so rule over their subjects as not to domineer over them but to love them as sons and younger brothers; they should endeavor by exhortation and admonition to deter them from wrongdoing lest they be obliged to administer due punishment after faults have been committed. Yet if through human frailty their subjects do wrong, they must observe the precept of the Apostle and reprove, entreat, rebuke them in all patience and doctrine; for sympathy is often more effective for correction than severity, exhortation better than threats of punishment, kindness better than insistence on authority. If in view of the seriousness of a crime there be need of punishment, then they must combine authority with leniency, judgment with mercy, severity with moderation, to the end that discipline, so salutary and essential to public order, be maintained without asperity, and that those who have been punished may' amend their ways or, if they refuse to do so, that others may be deterred from wrongdoing by the salutary· example of their punishment."19

All who are in any way responsible for the education of the members should also remember that this education and training must be imparted with an organic progression and making use, as occasion offers, of all appropriate resources and methods; it must embrace the whole man under all the aspects of his vocation, so as to make of him truly in all respects a "man perfect in Christ Jesus."20 With regard to the resources and methods of

14 Ci. canon 124.
17 Jn. 10:11, 14.
18 *In Cantica, Sermo* 23, Migne, *P.L.,* 183, 885 B.
ieCf. canon 2214, §2; Cone. Trid., scss. XIII, *de ref.,* cap. 1.
«Col. 1:28.

education, those which nature itself supplies and those which are offered by the human ingenuity of the present age, if they are good, are clearly not to be neglected, but to be highly esteemed and wisely employed. However, there is no more fatal mistake than to rely exclusively or excessively on these natural means and to relegate supernatural aids and resources to a secondary place or in any way to neglect them. Because in order to attain religious and clerical perfection and apostolic results, the supernatural means, the sacraments, prayer, mortification, and the like, are not merely necessary but altogether primary and essential.

But, supposing that this order of methods and works is observed, absolutely nothing should be neglected which would conduce in any way to the cultivation of all the natural virtues and to the development of a well-rounded and virile human personality. so that the supernatural religious or priestly training may rest firmly on this solid foundation of natural goodness and human culture,[21] for people are brought to Christ the more easily and securely in proportion as they find in the person of the priest "the goodness and kindness of God our Saviour."[22]

Nevertheless, though all should make much of the human and natural training of the religious cleric, the supernatural sanctification of the soul undoubtedly has the first place in the entire course of his development. For if the warning of the Apostle, "For this is the will of God, your sanctification,"[23] applies to every Christian, how much more is he bound by it who not only has received the priesthood but has publicly professed the aim of attaining evangelical perfection, and is by his very office an instrument for the sanctification of others, so much so that the salvation of souls and the growth of the Kingdom of God depend in a considerable degree upon his holiness?

Let all. therefore, who belong to the states for acquiring perfection. remember and frequently consider in the presence of God that, to fulfill the demands of their profession, it is not enough for them to avoid grave sin or even with the aid of God's grace venial sins, nor to obey in a merely material way the orders of their Superiors or even to observe their vows or other conscientious engagements, or the constitutions of their institute,

21 Cf. Phil. 4:8.
22 Tit. 3 :4.
23 1 Thess. 4:3.

according to which, says the Church herself in the sacred Canons, "all and every religious, Superiors as well as subjects, are bound . . . to order their life, and thus tend to the perfection of their stale."[24] For they must do all this with their whole soul and an ardent love, not merely through necessity, "but also for con-science' sake,"[25] because to scale the heights of sanctity and to present themselves to all men as living springs of Christian charity, they have to be inflamed with an ardent love of God and neighbor and be adorned with every virtue.

IV

Now, when this sanctification of the soul has been provided for, the intellectual and pastoral training of the religious cleric must be attended to most carefully, and on this subject, in view of the importance of the matter and the responsibility of Our supreme office, We wish to explain and recommend the principles at somewhat greater length.

How great is the need for these religious of a solid and alto-gether finished intellectual training and formation, is clear espe-cially from their three-fold dignity in the Church of God, reli-gious, sacerdotal, and apostolic.

Religious men, whose chief duty it is to seek God alone, to be united to Him in contemplation and to give the divine truths to others, must know that they cannot fulfill this most sacred duty well and fruitfully nor be raised to a sublime union with Christ if they lack that copious and deep knowledge of God and His mysteries which is drawn from sacred doctrines and must ever be perfected.[26]

The dignity of a priest, which makes him an ambassador of the Lord of all knowledge[27] and designates him as the *salt oj the earth* and the *light oj the world,*[28] demands a full and solid train-ing especially in ecclesiastical subjects, such a formation as can nourish and sustain his spiritual life and preserve him from all error and the vagaries of novelty; one which will make him a

24 Cf. canon 593.

25 Rom. 13:5.

2iCf. Pius XI, Ap. Letter, *Unigenitus Dei Filius,* 19 March, 1924; *AAS,* Vol. 16, pp. 137-138 *(Enchiridion,* n. 348, pp. 403-404). Cf. Canon Law Digest, 1, pp. 265, 302, 312, 313, 661, 670.

«Cf. 1 Kings 2:3.

28 Cf. Mt. 5:13-14.

faithful dispenser of the mysteries of God,20 and a perfect man of God, *instructed jor every good work.30*

Finally, the apostolic office which members of the states oi perfection perform, each according to his vocation — by sacred sermons to the people, the Christian education of children and young people, the administration of the sacraments, especially that of confession, mission work among infidels, the spiritual direction of souls, or finally by the mere contacts of daily life with the people — can never produce abundant and permanent results unless they themselves are thoroughly grounded in the knowledge of sacred doctrine, and cultivate it by uninterrupted study.

In order to attain this solid and finished intellectual culture and formation concomitantly with the natural development oi the young men and the arrangement of their studies, religious Superiors must first of all use every means to see to it that in the knowledge of literature and doctrine, religious students "be in no way inferior to young men of the laity who are studying the same subjects. For if this is securely' provided for, it will be assured that the students receive a thorough mental training, and that they will be the more available for service each in his own time,"31 and also that they will be prepared and equipped to go on to higher ecclesiastical studies.

In philosophical and theological courses, which are to be taught only by qualified and well-chosen professors, all the prescriptions of the sacred Canons and those made by Our Predecessors and Ourselves must be most faithfully observed, regarding especially the reverence which is due to the *Magisterium* of the Church and which on all occasions must be professed and instilled into the minds and hearts of the students; regarding the prudence and caution which must always accompany the careful and highly praiseworthy investigation of new questions which arise from time to time; and regarding the system, doctrine, and principles of the Angelic Doctor, which are to be faithfully held and are decidedly to be followed in the teaching of philosophy and theology to students.32

Ci. 1 Cor. 4:1-2.

30 Cf. 2 Tim. 3:17.

1 Pius XII, Ap. Exhort., *Menti Nostrae,* 23 Sept., 1950; .1.1S, Vol. 42, p. 6S7.

32 Pius XII, Encyclical, *Humani generis,* 12 Aug., 1950; Vol. 42, pp. 573, 577-57S; canon 1366.

Following the guidance and authority of Aquinas, theology is to be taught according to a method which is both positive and scholastic, that is, in such a way that in the light of the authentic *Magisterium* the sources of Divine Revelation are very thoroughly examined, making use of all the appropriate aids to that study, and that the treasures of truth drawn therefrom be clearly explained and effectively defended. For, since the deposit of Revelation is entrusted for authentic interpretation to the *Magisterium* of the Church alone, it must be most faithfully explained according to the sense and mind of the Church herself, and not according to mere human reason and private judgment. Let professors of Christian philosophy and theology, therefore, take notice that they perform their function not in their own right and name but in the name and by the authority of the supreme *Magisterium,* and hence subject to its vigilance and control, having received from it, as it were, a canonical commission. Consequently, without restriction of freedom of opinion in those matters which are still open to discussion, "they must remember that they have received the authority to teach, not that they may communicate their own opinions to their students, but in order to teach them the established doctrines of the Church."[33]

Moreover, both masters and pupils should always remember that ecclesiastical studies are designed, not merely for intellectual training, but for a complete and thorough religious, or sacerdotal and apostolic formation; and hence they must be directed not merely to the successful passing of examinations, but to giving the students a stamp of character which shall never be effaced and from which, when need arises, they may ever draw light and strength for themselves and others.[34]

To this end, intellectual instruction must first of all be intimately united to a love of prayer and the contemplation of heavenly truth; it must also be complete, not omitting any of the prescribed subjects, coherent and so well arranged in its entirety that all the courses of study coalesce in one single well rounded system. It must also be very wisely adapted to refute

[33] St. Pius X, *Motu proprio, Docloris Angelici, 29* June, 1914; *AAS,* Vo). 6, p. 338 *(Enchiridion,* n. 284, p. 336).

[34] Ci. Pius XII, Speech to Clerical Students, 24 June, 1939; .4.15, Vo). 31, p. 246 *(Enchiridion,* n. 373, p. 531); English text, Canon Law Digest. 2, p. 427.

the errors and meet the needs of our time; it must take account of the recent discoveries of scholarship and at the same time be entirely in accord with venerable tradition; finally, it must be effectively designed for the fruitful performance of every kind of pastoral ministry, so that the future priests with this training may be ready and well prepared to present and defend sound doctrine in sermons and catechetical instructions to both learned and unlearned audiences, to administer the sacraments properly, to promote vigorously the good of souls and help every one by word and work.

Though all that We have said about the spiritual and intellectual formation of students is most conducive and altogether necessary to the making of truly apostolic men, it being evident that if a priest lacks holiness and learning he lacks everything; yet it is Our solemn duty to add here that, in addition to holiness and learning, if the priest is to fulfill his apostolic ministry properly, he must have a most careful and quite perfect pastoral preparation such as to awaken and develop a genuine skill and dexterity in the due performance of the manifold works of the Christian apostolate.

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For if the practice of any craft requires some previous preparation, theoretical, technical, and practical, and this latter tested by a long apprenticeship, who can deny that a similar, nay a much more careful and profound previous preparation, is needed for that profession which is truly called the art of arts?

This pastoral training of the students, which should begin at the very inception of the course of studies, develop gradually to perfection with the growing age of the student, and finally be consummated after the completion of the theology course by a special period of trial according to the particular end of the respective religious institute, must have for its primary purpose to imbue the future ministers and apostles of Christ solidly and thoroughly, after the model of Christ Himself, with the apostolic spirit and virtues, and to give them practice in them: namely, an ardent and unmixed desire for promoting the glory of God; an active and burning charity for the Church and for defending her rights and preserving and spreading her truth; a flaming zeal for the salvation of souls; supernatural prudence in word and work, together with evangelical simplicity, humble self-denial, and obedient subjection to Superiors; an unshakable trust in

God and a keen sense of duty; a virile ingenuity in starting projects and constancy in pursuing them; unceasing fidelity in the performance of duty; generosity in the greatest sufferings and labors; finally, that Christian affability and kindness which wins all hearts.

Another objective which must be aimed at in pastoral training is that the students, according to the stage and progress of their studies, be instructed in all those subjects which can contribute very much to the complete development of "a good soldier of Christ Jesus,"[35] and to providing him with suitable apostolic weapons. Hence, besides philosophical and theological studies, which, as We said, must also be appropriately adapted to pastoral work, it is altogether necessary that the future shepherds of the Lord's flock receive from learned teachers according to the norms issued by this Apostolic See, an instruction in psychology and pedagogy, didactics and catechetics, social science and pastoral practice, and other such subjects, which is in step with the progress now being made in these subjects and which will render them fit and ready to meet the many needs of the apostolate in our day.

This doctrinal instruction and preparation for the apostolate, in order that it may be confirmed by use and experience, must be accompanied also by practical exercise in well planned progressive stages and under prudent control; then after the priesthood is received We wish this practical exercise to be continued and perfected by a special period of trial under the guidance of men who are outstanding in doctrine, counsel, and example, and to be constantly strengthened by uninterrupted sacred studies.

Xow that We have prepared the way by giving these fundamental principles which must imbue and direct the work of education and both the educators and those to be taught, We proceed after mature consideration, of certain knowledge, and in the fulness of Apostolic authority, to decree and establish the following general norms on the various aspects of this very important matter, which are to be observed by all whom they concern. Moreover. We empower the Sacred Congregation of Religious to put into practice the General Statutes which We have already approved, by ordinances, instructions, declara

«2 Tim. 2:3.

tions, and interpretations given with Our Authority, and to take all measures which may be appropriate to secure the faithful observance of this Constitution and of the Statutes and Ordinances.

All things to the contrary notwithstanding, even though worthy of special mention.

Given at Rome, from Saint Peter's this thirty-first day of May, the Feast of the Blessed Virgin Mary, Queen of the World, in the year of Our Lord 1956, the eighteenth of Our Pontificate.

AAS 48-354; Pius XII, Ap. Const., 31 May, 1956. Ci. *Homiletic ui Pastoral Review,* 58 (1957-58) 455 (White).

Note: The General Statutes, though mentioned in the title anc definitely approved in the Apostolic Constitution itself, were not published in the *Acta Apostolicae Sedis,* but were issued in booklet fore by the Sacred Congregation of Religious. Since this booklet is readily available also in English from the Catholic University of America Press, we have not thought it necessary to transcribe it here.

General Statutes Interpreted: Absence of a Month and a Half Invalidates the Semester (S. C. Rel., 16 Feb.. 1957) Private.

The Sacred Congregation of Religious on 16 Feb., 1957, replied to a question proposed by the Superior General of the Society of Mary regarding Art. 42, § 4, 1° of the General Statutes.

The paragraph in question reads as follows: "1° In curriculis philosophico ac theologico, studiorum et scholarum intermissio etiam non culpabilis, quae una simul tres menses attigerit, annum scholarem nullum ac invalidum reddit."

The reply of the Sacred Congregation was:

Reply: This S. C. after having maturely weighed all the considerations which were presented by the Superior General regarding the interpretation of Art. 42, §4, 1° of the General Statutes, and having considered all aspects of the question, decided to reply and does reply as follows:

This Sacred Congregation understands Art. 42, §4, 1° of the General Statutes as permitting the custom or practice of dividing the scholastic year into distinct and separate semesters; consequently. as to a semester, the period of absence which invalidates the semester is a month and a half.

(Private); S. C. Ret.. 16 Feb., 1957, N. 2090/57. Copy kindly sent tous

for the Canon Law Digest, by the Very Reverend James Lambert, S.M., Assistant General of the Marist Fathers.

CANON 488

The Vocation of Teaching in Lay Institutes of Men (Pius XII. Letter, 31 March, 1954) AAS 46-202.

A Letter of Pius XII to Cardinal Valeri, Prefect of the S. C. of Religious, entitled: *On the Better* H ay *jor the Proper Instruction oj Youth by Members oj Religious Brotherhoods,* is as follows:

Beloved Son, health and Apostolic Benediction.

Alter the annual convention for France which was held in Paris last year, the Procurators General of eight lay religious Brotherhoods, which have as the peculiar object of their Institute the proper training and education of youth, dutifully sent Us a letter in which they informed Us of the proceedings and resolutions of their meeting, and humbly and reverently asked Us to give them the benefit of Our paternal advice and point out to them the road to ever greater and more beneficial progress.

We are very happy to do so concisely and briefly in this Letter. And in the first place AA'e take great comfort in the knowledge that these religious men are devoting themselves with earnestness and energy to the work entrusted to them, a work which can be of the greatest benefit to the Church, the family, and civil society. It is indeed a work of great importance. Youth are the budding hope of the future. Beyond a doubt the course of the coming age depends on those of them especially who are trained to a liberal culture and instructed in a variety of subjects so that they will be fitted in due time to occupy not only private positions but public offices as well. If their minds are illumined by the light of the Gospel, their souls trained in the precepts of Christianity and their wills strengthened by the grace of God, then one may hope to see a new generation of youth, which will conquer the difficulties, dangers, and troubles of our time and eventually build a better and sounder society by its learning, virtue, and example. To this end, as AA'e know to Our great satisfaction. also lay religious Institutes are laboring faithfully, guided by the wise regulations which their Founders respectively left them as a sacred heritage. AVe desire that they should do so

not only with the greatest skill, diligence, and earnestness,!, also with that high spirit which brings human undertakings ', nourishing vigor and happy fruition. Particularly it is Our wk that they strive to imbue the youth entrusted to them with da- trine which is not only sincere and free from all error, but ak open to and concordant with all the practices and methods wbid the present day has introduced in the various subjects.

The principal thing is that they draw from the religious 11· which they must live wholeheartedly, the supernatural strena to train their pupils in Christian virtue, as the Church abso- lutely demands of them by reason of their position. For if thl- virtue is neglected or abandoned, letters and culture are of b. account for living a good life; they may even, especially at th pliable age which is easily turned to evil, become the craft; means of perversion and so of unhappiness.

Let them therefore watch over the characters of their charges let them seek to know thoroughly and to direct wisely the dispositions, their secret impulses and their inner sentiment: which are at times disturbed and uneasy. Let them see to it b all means that the deceits which endanger virtue be repelled as quickly and energetically as possible, that all dangers whir might besmirch the purity of the soul be removed, and that a the circumstances of their lives be so ordered that while th mind is enlightened with truth, the will also may be strong!; trained to what is right and moved to the choice of all that is good.

These religious know of course that the education of youth the art of arts and the science of sciences, but they also kno,; that with the divine assistance they can do all things, accorda, to that saying of the Apostle of the Gentiles, "I can do all things in him who strengthened me." They must therefore practice piety intensely as becomes men who, though they do not belong to a clerical religious Institute, are nevertheless lawfully enrolled in a lay religious Institute. Such an Institute, though it consists almost entirely of members who. by a special call from God renounce the dignity of the priesthood and the consolations whid are attached to it, is nevertheless highly honored in the Churcl· and is of very great assistance to priests themselves in th Christian education of youth. For, as We said on another occa- sion, "the religious state is not restricted to either of the two

groups which exist in the Church by divine right, since clerics and lay persons alike can become religious."[1] Now since the Church has endowed lay persons also with this dignity and function, certainly this is a patent proof that both branches of the sacred militia can work with great usefulness for their own and others' salvation, each according to the canonical system and regulations by which it is governed.

Hence let no one have less regard for the members of those Brotherhoods or for the fruitfulness of their apostolate from the fact that they are not priests. Besides, it is a fact within Our knowledge that they give the boys who are under their care such training and education that many of them who seem to be called by divine grace come to the happy reception of priestly orders. There have been some among them who are gloriously numbered among the Bishops and even among the Cardinals. And this is a further reason why these Brotherhoods, deserving as they are of Our praise and that of the whole Church, also win the good will of the Bishops and Clergy; for they'· give them valuable assistance not only in procuring the sound education of youth but also by encouraging, with the aid of divine grace, candidates for sacred orders.

May they therefore be ever more active and alert in following the way of life which is theirs; and together with other religious Orders and Congregations who serve the same cause, may they work concordantly and earnestly for the training and education of youth.

We earnestly implore for them the divine assistance, and in token thereof and of Our special benevolence, We lovingly impart to you, Beloved Son, and to all the Superiors, members and pupils of these Brotherhoods, the Apostolic Benediction.

Given at Rome, from Saint Peter's, the 31st day of March in the year 1954, the sixteenth of Our Pontificate.

AAS 46–202; Pius XII, Letter, 31 March, 1954.

The Institute *Regina Mundi* (Pius XII, *Motu proprio,* 11 Feb., 1956) AAS 48-189.

Nothing is more desired by the Church than that virgins con-

[1] Address to the general meeting of delegates from all religious Institutes, in Rome, 8 Dec., 1950. AAS, 43-26; Canon Law Digest, 3, p. 121.

secrated to God. professing the evangelical counsels in states of perfection or similar institutes and firmly dedicated to the salvation of the neighbor and to many forms of well-doing, should with steady pace and equal progress both attain to the holiness which they have professed and constantly make a worthy and well-directed effort to fulfill the apostolic ministries or works of charity which the Holy See entrusts to them in the approbation of their Statutes and Institutes.

Since the love of God and of neighbor is one and the same, the Church rightly demands that the ardor for sanctity take the form of an earnest desire to perform one's own duties ever more thoroughly and perfectly, and to prepare oneself for them with careful and unsparing effort.

In order by suitable preparation to attain effectively this desired divine and human perfection in the performance of duty the Apostolic See has tried by all appropriate means gently and firmly to stimulate religious women and other virgins consecrated to God and to the apostolate, and at the same time to lead them as it were by the hand to make use of everything which migh: be found suitable and helpful for their apostolic work.

Hence also all Superiors and religious, faithfully following the regulations and repeated exhortations of the Holy See, have ceaselessly urged, as they still do, that women who as part of their vocation and for apostolic reasons have to perform civil or social services, be provided among other things with diplomas, legal certificates, and such other testimonials as may be requisite for the proper and worthy performance of their offices and works. To this end special Institutes, colleges, academies, and schools have been either founded or at least advanced and helped in many ways. Moreover, by means of various lectures and exercises, frequent conventions, by establishing also Federations to carry on various forms of apostolate, by aids and encouragements of every sort, the Church has earnestly sought to bring it about that in all those who are engaged in ministries for the love of God and the neighbor, religious zeal should be inseparably accompanied by technical preparation for and skill in the performance of their work.

For in the mind of the Church it can neither be conceived nor tolerated that all who devote themselves to social or professional

services in pursuance of religious profession and an apostolic vocation, should be in reality or even be considered to be inferior in the performance of those works, to all others who, inspired though they be by noble motives, follow those same activities or professions in the world.

All this is *a fortiori* especially true of those religious women and of those virgins consecrated to God who, especially in our day, apply themselves in a variety of ways to the education, training, and formation of youth. An arduous task indeed it is, not only because of the dispositions of the girls and the temper of the times, but also because of the wider knowledge of the many-sided science and practice of the art of teaching — to be acquired by a long course of studies and tested by many examinations— and other such requirements which are everywhere demanded of teachers.

Surely no one will call into question the principle that these our teachers and educators of girls, adolescents, and young people, whether they teach mostly in intermediate and high schools, or have charge of young women who are taking university courses even in extern public institutions, or finally are engaged in the more important works of their own Institute, in governing or educating its members, should have a superior technical training and especially a religious formation which is at once solid, well-ordered, and, for their condition, complete.

To the end that members of the states of perfection and other virgins who are dedicated to perfection and to the apostolate may become first class educators and teachers according to modern requirements, in many places higher schools, academies, and institutes, generally very good ones, have been opened, where they may receive a serious training in doctrine, especially in religious and moral subjects.

That fruitful movement of *appropriate renovation* which, after the solemn Congress of the Jubilee year (1950), Nov. 26 to Dec. 8), sponsored and tirelessly continues to sponsor one after another so many and such great improvements in the field of education and training, was the reason which led the Sacred Congregation of Religious in September, 1952, to call a meeting of the Superioresses General to consider establishing in Rome a new Institute which would serve not only as an example but

also in many ways as a complement and crown to all similar institutes either already in existence or later to be erected throughout the world.

Accordingly the same Sacred Congregation, at Our command and under Our patronage, in fulfilment of the wishes of the Congress and with the cooperation of the Superioresses General everywhere, *during the Marian Year,* proceeded to erect in the Eternal City an Institute of the Blessed Virgin Mary, whom We had solemnly proclaimed and crowned as Queen. Since this Institute, which received the name of *Regina Mundi,* has during these years given a good account of itself and gives Us secure assurance of the happy results which We ardently desire, with the intention that it may be strengthened and advanced by Our Pontifical approval, and may become an outstanding and auspicious model for all similar institutes which already exist or may in future be legitimately established throughout the world, We *oj Our own motion* and with mature deliberation decree and prescribe the following.

I. The Institute called *"Regina Mundi,"* for imparting higher training, education, and formation in sciences and subjects oi study, especially sacred ones, to virgins who are consecrated to God and dedicated to the ministry of souls, We hereby declare to be a *Pontifical* Institute, and allow it to be honored with this title.

II. This Institute shall be governed in Our name and with Our authority by the Sacred Congregation of Religious under Statutes approved by Us. In the work of organizing, governing, and perfecting this Our Institute, the Sacred Congregation oi Religious will be powerfully assisted, according to the Statutes, by Delegates from the Sacred Congregation of Seminaries and Universities, the Secretariate of State, and the Vicariate of Rome.

III. We grant to the Institute the right and faculty, according to the Statutes, to confer upon the students after the due completion of their studies and the passing of the examinations, degrees in virtue of which they may teach courses in colleges for women, either secular or religious, of whatever grade, within the scope which will be accurately stated in each diploma. In order that they may teach in lay schools for men, all the provisions of law in that regard must be carefully observed.

IV. Finally, We grant to this Institute the faculty, according to the Statutes, to affiliate to itself such Schools and Institutes or Sections thereof as may seem to be of similar character.

These things We decree and establish, notwithstanding all things to the contrary, even though worthy of special mention.

Given at Rome, from Saint Peter's on the 11th day of February 1956, the seventeenth year of Our Pontificate.

AAS 48-189; Pius XII, *Motu proprio,* 11 Feb., 1956.

Augustinians: Apostolic Epistle addressed to the Superiors General of various branches of the Augustinian Order on their great Patron, Saint Augustine of Hippo. Pius XII, 25 July, 1954 (AAS 46-513). *The Pope Speaks,* 1(1954)229.

Letter to the General of the Order of Hermits of Saint Augustine, on the 7th centenary of their union. Pius XII. 2 Feb., 1956 (AAS 48-209).

Basilian Order of Saint Josaphat: Constitutions approved. Pius XII, Ap. Letter, 14 June, 1954 (AAS 47-588).

Benedictine Order: The following documents refer to the Confederation of the Monastic Congregations of the Order of Saint Benedict:

1. The Pontifical Brief, *Pacts vinculum,* of 21 March, 1952, approving and confirming the *Lex Propria* or Constitutions of the Confederation (AAS 44-520).

2. The text of the *Lex Propria* itself, with annotations by Gambari *{Commentarium pro Religiosis,* Vol. 32, pp. 244 seq., 305 seq., and Vol. 33, pp. 3seq.).

3. A decree of the S. C. Rel., of 21 March, 1953, reporting the approval already given by the Sovereign Pontiff *{Commentarium pro Religiosis,* 32-243).

4. An Allocution of Pius XII to the Abbots and Priors of the Confederation, 24 Sept., 1953 (AAS 45-621).

Congregation of the Most Blessed Sacrament: Pius XII, Letter to General on first centenary, 10 April, 1956 (AAS 48-268).

Friars Minor: Constitutions approved and confirmed. Pius XII, Ap Letter, 14 July, 1953 (AAS 46-91).

Knights of Malta: As a result of investigations conducted by a specially constituted Tribunal of five Cardinals as judges, the Order of the Knights of Malta *{Sovrano Militare Ordine Gcrosolimitano di Malta)* was definitely decided to be not only a religious Institute but a religious Order with pontifical approval according to canons 487 and 488, 1° and 2°.— Other points of the decision concerned the nature of the sovereignty of the Order, the reciprocal relations of the sovereign Order to the religious Order, and the relations of each with the Holy Sec. Special Tribunal of Cardinals, 24 Jan., 1953 (AAS 45-765). Annotations, *Commentarium pro Religiosis,* 33-34 (Ruiz).

Commission of Cardinals for revision of Constitutions and further measures of rehabilitation, appointed. Pius XII, 1 Feb., 1955 (AAS 47-59).

Mcrcedarians: Letter to General, on 7th centenary of death of Saint Peter Nolasco. Pius XII, 19 Jan., 1956 (AAS 48-SO).

Missionaries of the Sacred Heart of Jesus: Letter to the Very Reverend Patrick McCabe, Superior General, on the centenary- of their foundation Pius XII, Letter, 14 Nov., 1954 (AAS 46-760).

Mistresses of Novices: School established in Rome, with name "Jfoto *Divinae Gratiae."* S. C. Rel., Decree, 15 March, 1957 (AAS 49-749).

Pontifical Institute *"lesus Magister":* Established in Rome for highc education of teachers in lay institutes of men. S. C. Rel., Decree, 1 July', 1957 (AAS 49-751).

Pontifical Institute *"Regina Mundi":* Norms for affiliation and recognitio: S. C. Rel., 12 March, 1957 (AAS 49-869).

Rosary: Promotion by Dominican Order. Pius XII, Letter to Masto General of Dominicans, II July, 1957 (AAS 49-726).

Society of Jesus: Pius XII, Address to delegates to Thirtieth General Congregation, 10 Sept., 1957 (AAS 49-S06). *The Pope Speaks,* 4(1.957)447 Value of third year of probation. Pius XII, Allocution, 25 March, 1956 (AAS 48-269). English version: *Review for Religious,* 16 (1957)-2J6

\ incentians (Congregation of the Mission) : Revised Constitutions approved. Pius XII, Apostolic Letter, 19 July, 1953 (AAS 47-141).

CANON 489

Substitution of Small Breviary in the Vernacular for Little Office of the Blessed Virgin in Lay Congregations of Men and Women (S. C. Rel.) Private.

The practice of the Sacred Congregation of Religious as regards allowing the substitution of the small Breviary in the vernacular for the Little Office of the Blessed Virgin, is summarized as follows by Gutierrez in *Commentarhim pro Religiosis,* 1953, p. 266:

1. Where the drawbacks and difficulties which might easily accompany such a change are not to be feared, the Sacred Congregation will readily grant permission to those Congregations who ask for it. As a matter of fact, however, it is rare that the change can be made without serious difficulties; hence it cannot be said that the Sacred Congregation favors the change.

2. In the case of diocesan Institutes, Ordinaries can change the Constitutions (c. 495, §2). In the case of pontifical Institutes, the S. C. usually requires that the matter be voted on in the General Chapter and that there be not a bare absolute majority in favor of the change, but something approaching moral unanimity. If the Institute has few members and is not widely

diffused, the S. C. sometimes allows the change on the petition of the entire General Council, but on the terms stated below.

3. The permission is not given permanently, but by way of experiment for five years.

4. The favor is granted by way of experiment, *provided* the following conditions are fulfilled:

a. That there is nothing in the traditions of the Institute which is directly opposed to the change;

b. That the Superiors and the Sisters be in agreement as regards the change, so that there will be no danger of a division;

c. That the change cause no disturbance in the horarium and domestic order.

(Private); S. C. Rel., 1953; summary of practice as reported by Gutiérrez in *Commentarium pro Religiosis,* 1953, p. 266.

Note: Cf. also Letter of Pius XII, 12 March. 1953, to the Superioress General of the Sisters Teachers of the Holy Cross of the Third Order of Saint Francis, of Menzingen. in which the Holy Father praises the Little Office of the Blessed Virgin and commends its use in a new and enlarged edition edited by Father Augustine Bea, S.J. This Letter is reported by Schmidt in *Periodica,* 1954, p. 116. Both Gutiérrez and Schmidt speak of the advantages of the small Breviary, but also of the difficulties which may make its adoption inadvisable.

CANON 497

Special Faculty to Consider Mission Stations as Religious Houses (S. C. Rel., 2 Oct., 1951) Private.

The Sacred Congregation of Religious received the following petition from the Superior General of a certain religious Congregation:

The Petition: In Mission countries considerable difficulty is experienced in trying to define accurately the authority of religious Superiors, from the fact that religious establishments cannot generally be organized according to the Code and their Constitutions; long and extended experience has shown that this can easily impair good discipline and the religious life.

For in various Missions entrusted by the Holy See to this Congregation, although there are a great number of our religious, only a few *Religious Houses* can be established with the special permission of the S. C. for the Propagation of the Faith according

to canon 497, § 1; whereas most of our missionaries engagedin the work of the Mission live and work in a number of *Mission Stations* under the sole authority of the Ecclesiastical Superior (upon whom, after all, they are entirely dependent).

The consequence is that these religious have no true religious Superior, since only the Superiors of houses which have been canonically erected by the Superior General according to the law and the Constitutions as authentic religious houses, are true religious Superiors. Neither is it possible to join these stations to some regular religious house, especially because of the great distances, which would render such a subordination vain and merely apparent. There results an uncertainty regarding the authority, not only of local Superiors, but also in turn of Major Superiors, because, as there are not enough religious houses to join together to make up a Province or Vicariate (as our Constitutions provide), there is not even an authentic Major Superior.

Hence, in order to provide a remedy for this uncertain condition of religious authority, the Petitioner earnestly asks Your Holiness to grant a special provision or faculty:

1. That in all Residences where our men live, even though not canonically erected as religious houses, the Petitioner may have power to appoint true *Superiors* or *Directors* of these Residences who shall have the same rights and duties as the other Directors oi Residences provided for in our Constitutions.

2. That, with the aforesaid Residences (together with one or other religious house which may be canonically erected in the territory) the Petitioner may have power also to establish one or more *Vicariates* with their own Major Superior or Vicar, who shall be equal to the other Vicars provided for in the Constitutions.

The Rescript: In virtue of faculties granted by His Holiness, this Sacred Congregation graciously grants the favor according to the petition in all respects, *et ad mentem:* The mind is that a plan be drawn up in the form of articles of the Constitutions and that it be submitted to this S. C. for approval.

(Private); S. C. Rel., Rescript, 2 Oct , 1951. /Xnnotations, *Commentarium pro Religiosis,* 32-167 (Poza).

CANON 500

Congresses Promoted by Religious: The S. C. of Religious was asked what arc the rights of local Ordinaries as regards controlling scientific.

liturgical, and cultural Congresses which are promoted by religious in their dioceses. /Xs to strictly internal Congresses, held in the religious house and attended only by religious, no question can arise. But the question concerned outside Congresses, held outside and attended by the public: has the Ordinary the right to approve the Congress and its program, and to be represented personally or by proxy? — The Reply: These public and external Congresses should not be held without the Ordinary's consent; this consent is not necessary for internal Congresses, even if they are attended by externes. The "Liturgical Weeks" held in Belgium are presented as an example. There, for external Congresses, not only the Ordinary's permission was obtained, but the organization of the Congress and its presidency were reserved to the Bishop; for internal Congresses, the Ordinary's permission was not asked. This case is reported under the heading, *"Ex lurisprudentia S. C. de Religiosis,"* in *Commentarium pro Religiosis,* 32-16S.

CANON 502

Government of Religious Women (Address of Father Arcadio Larraona, Secretary of the Sacred Congregation of Religious, September, 1952) **Private.**

At the conclusion of the International Congress of Mothers General which was held in Rome in September, 1952, for Superioresses General of Institutes of pontifical right, Father Arcadio Larraona, Secretary of the Sacred Congregation of Religious, delivered the following address:

It is not without deep emotion that I address you this morning. I behold in you the hundreds of thousands of consecrated souls for whom you are responsible before God. Your presence here shows that you feel the full force of this great responsibility. Nevertheless the thought of it should not exclude deep and trustful feelings of confidence. In your administration strive to imitate those qualities which we find in God's administration of the world, if we may so speak, that is, the qualities of understanding, far-sightedness, kindness, and patience. If you work in this spirit, then have confidence that God will work for you and in you.

I. Revision of Constitutions

In 1922 the S. Congregation of Religious ordered all approved religious communities to send in their constitutions for revision and. if need be, correction in the light of the provisions of the recently published Code of Canon Law. But even after this general

obligatory revision of some thirty years ago, the S. Congregation does not necessarily feel that all the details of all constitutions must remain forever unchanged. Rome is ready to consider the advisability of changes on certain points, provided the individual communities show good reasons for the modifications they wish to introduce. Rome wants this evolution to be without spurts or shocks — a genuinely vital evolution, imitating the growth and development of a human being. Hence the usual procedure is to require that all proposed modifications be first submitted to a general chapter, and that the changes be approved, not merely by an absolute majority, but even by the moral unanimity of the capitulants. In this connection, the following particular points may be mentioned.

Custom-Books: The custom-books of religious communities, sometimes called "directories," are not approved by the S. Congregation of Religious except in a negative sense. That is to say that the S. Congregation examines these books in order to make sure that they contain nothing theologically or canonically erroneous, but does not approve them in the strict sense of the term. In this, the custom-books differ from the constitutions.

Notwithstanding all their good qualities, it is undeniable that custom-books, because of their detailed regulating of many aspects of daily life, can and do become oppressive, or at least embarrassing. There are superiors of all types and temperaments, and some of them are unduly attached to the letter of the prescription, without considering the spirit, and without thinking sufficiently of the end at which they aim, an end which frequently can be obtained through the use of different means.

Superiors may therefore legitimately make known their wishes to the S. Congregation of Religious. They should not fear to request such changes on the ground that they will be thought to be unfaithful to their community traditions. Change in itself is not heresy, but it goes without saying that no changes should be proposed merely because they fall in line with the caprices or personal likes of an individual superior. All changes submitted to the S. Congregation must usually have the morally unanimous approval of the general chapter. In case of urgent modifications, the S. Congregation will take action even between general chapters. but with the obligation to submit the matter to the next chapter.

The Religious Habit: The Holy See leaves to every individual community lull freedom of action regarding all the details of its specific habit. The S. Congregation is interested mainly in maintaining the peace of mind of all religious. Peace and charity are of much higher importance than the advantages to be gained through improvement in some detail of the habit. Rome's only question in such cases will be: "Are you all agreed?" The modifications will be approved, provided they are supported by the general chapter, and provided the minority, if there be one, is not unduly obstreperous in its opposition. If that should be so. Rome would counsel patient waiting.

The Abolition of Class Distinctions: The same principles are followed when there is question of removing from the constitutions the articles which set up different classes among the religious of one same community. Peace is the paramount consideration. Rome will approve the elimination of class distinction, but only on the three following conditions: (<z) that the change insures absolute equality of rights and obligations: (Z>) that the superiors be fully empowered to appoint any religious to any office, due regard being given to the individual capacities of each one and the needs of the community; (c) that all the religious, irrespective of the class to which they may have previously belonged, contribute their share of effort in providing for the common needs of the community. Saving these principles, the abolition of the distinction between classes will be approved by Rome, but the S. Congregation will never use any pressure in order to bring this about in any particular institute.

II. Substitution of the Divine Ofiice for the Little Office of the Blessed Virgin

Through the constantly growing liturgical movement, there is an increasing tendency among religious communities of women to introduce the recitation of the Divine Office in the vernacular instead of the Little Office of the Blessed Virgin. Needless to say, the S. Congregation is favorable in principle to all proposals which will insure a deeper and richer participation of religious in the sacred liturgy, since such participation brings them into more living contact with the Church. Nevertheless, all innovations must be worked out in a spirit of good balance and discretion. Again, nothing is comparable to the advantages of peace

in a community. The S. Congregation does not grant any general permission for substituting the Divine Office in the vernacular for the Little Office. Each individual institute must ask for it and submit its own particular reasons for so doing. Proponents of the change oftentimes forget that it is hardly possible that an entire community will react favorably to the innovation, and it is the responsibility of the S. Congregation of Religious to forestall discontent and opposition as far as possible.

Consequently, the permission for the Divine Office in the vernacular instead of the Little Office will be granted on request with due regard to the following conditions: (1) that the request be supported by the morally unanimous agreement of the general chapter — what causes trouble is not from God; (2) that the request be not in opposition with either the constitutions or the tradition of the community involved — sometimes the recitation of the Little Office is in conformity with a vow or promise made by the founder or foundress; (3) that the apostolate of the sisters allow them time for the recitation of the Divine Office without unduly overloading their day. This does not mean that the S. Congregation always drives with its brakes on — but everyone knows that it is dangerous to drive without brakes.

III. The Different Stages of Formation

1. *Apostolic Schools:* Apostolic schools are of comparatively recent origin, the earliest of them dating from about the middle of the last century. They were first introduced in institutes of men; but they have now become increasingly common in religious communities of women. The Holy See has issued practically no legislation on the organization of such apostolic schools The S. Congregation is patiently awaiting the guidance of experience.

These apostolic schools are not permitted by the S. Congregation for cloistered nuns or for religious whose lives closely approximate that of cloistered nuns. This is not a real law of the Holy See. but rather a guiding norm, based on Rome's desire to avoid any semblance of pressure when there is question of a vocation calling for such special qualities as those required by the contemplative life.

The S. Congregation regards apostolic schools as internal schools of a religious community. This point is of canonical

importance in determining the degree of freedom to be allowed the community in the organization and administration of these schools: (g) those which do not require any actual signs of vocation to the religious life; (6) those which demand at least the seeds of vocation to the religious life; (c) those which require signs of a vocation to a specific type of religious life.

In any case, the organization and rules of an apostolic school should not lose sight of the fact that the girls in them are young. The atmosphere as far as possible should be that of a family. The apostolic school should not be turned into a novitiate in miniature. There should be nothing to interfere with the full freedom of the candidates in the final determination of their vocation. The program of studies should not be so highly specialized as to make adjustment to a different type of life outside difficult. Teach the girls, first of all, to lead good Christian lives. Xo asceticism at the expense of the moral law. Avoid whatever might even remotely result in deformation of the natural qualities and virtues of the candidates.

2. *The Postulancy:* The postulancy is obligatory for all women religious. It must last at least six months. If the constitutions prescribe a postulancy of one year, the six months' prolongation is still permissible. The maximum length of the postulancy in any community is eighteen months. Rome does not want the decision as to admission to be delayed too long, and this is why the time limit is imposed.

3. *The Noviceship:* Rome will easily grant permission to have two years of noviceship instead of one, if the same conditions are complied with as those previously mentioned in other connections. But if such permission is granted the change becomes obligatory, and superiors have no faculty to dispense from any period of this two-year noviceship. It makes a bad impression on the S. Congregation when a community advances good and cogent reasons for two years of noviceship, and then almost immediately begins to ask for dispensations from the change which the community itself requested.

The S. Congregation permits the employment of novices in works of the institute during the second year of novitiate. This was a courageous step, which at first seemed to some people to be in open conflict with the fundamental spiritual purpose of the novitiate. 'The reason is that today no formation can be re-

garcled as complete without some concrete contact with the apostolate. During such employment the novice remains a novia. She must be given to understand that she is still on probation, even though she be outside the novitiate. She should be under the supervision and guidance of an experienced sister, since the superior of the house, unless it be a small house, will ordinarily be too absorbed with administrative details to give her the time and attention required by her special situation. The use of novices during the second year must be motivated by the welfare of the novice, not by the needs of the community. During this period she is given a chance to prove her qualities, and to learn under supervision how to use the apostolate as a means of personal sanctification. She should be protected and safeguarded without being mollycoddled. Superiors should not forget that when young religious are taken from the hothouse atmosphere of the novitiate and sent out indiscriminately into houses where, so to speak, all the windows and doors are open, they cannot fail to catch cold.

4. *The Juniorate.* In the novitiate the formation of the religious is begun. In the juniorate it is continued, though not with the detailed program of the novitiate year. The juniorate is an initiation into the apostolate, while the young nun still remains under the safeguarding influence of supervision and guidance The juniorate is intended to forestall the catastrophes which have sometimes befallen young professed sisters who were sent into the active life without any transition period to prepare them for the special problems confronting them in that life. Sisters in the juniorate are in a kind of middle stage of formation, in which they arc not subjected to the restrictions *of* the novitiate in all their rigor nor yet allowed all the freedom of perpetually professed religious. At the same time they are provided with an opportunity to integrate their technical training with the demands of their religious vocation.

During the juniorate, whatever may be the special form it may take, the sisters should be under the close-range guidance

experienced and capable religious. Unless a house is specifically set up as a juniorate, the superior will ordinarily not be in a nosition to carry' out the functions of mistress of juniors. The duration of the juniorate will depend on its intensity, the dura-

tion increasing according as the juniorate is less intense. All communities could at least provide their temporarily professed sisters with special courses and help during the summer vacation. There is no objection to the juniorate's lasting for the entire period of temporary profession. The ideal is a special house, for those communities which can provide one. The threefold aim of the juniorate is: formation, practice, probation.

IV. Religious Profession

The S. Congregation is ready to allow up to five years of temporary profession, with the possibility of an extension of one year. Xo temporary profession can be extended beyond six years, according to the Code of Canon Law. The reason is that if a sister has not succeeded in satisfying her superiors as to her vocation during the period of postulancy, noviceship, and six years of temporary vows, it is hardly probable that she will be able to provide this satisfaction in an extended period of probation.

Rome views with favor the so-called "third year of probation," which can be organized either immediately prior to perpetual profession or at some later period after time spent in the apostolate. In whatever form it is organized, the third year of probation has incalculable advantages. Nevertheless, although it is highly recommended, it is not in any way imposed by the S. Congregation.

V. The Vow of Poverty

I should like to have time to go over with you each of the vows of religion. Time does not permit, but I cannot resist the desire to say something to you about the vow of poverty, which is the bulwark and safeguard of the religious spirit. At the Congress at Notre Dame, after a splendid paper on poverty and the common life in present-day America, a sister asked whether custom could justify the keeping of personal gifts, etc. The speaker, a Dominican Father, replied immediately that neither custom nor any superior could legitimately give a permission which might run counter to the demands of the common life. Xo superior can allow what is against the spirit of poverty. It is important to cultivate disinterested motives for zeal in the apostolate. The ministry, in no matter what form it is exercised,

should be emptied completely of all concern over personal gak It is a fact of experience that zeal oftentimes diminishes in proportion as interest in personal aggrandizement increases.

VI. Government

1. *Elections:* Sisters often fall into one or the other of two extremes in chapters: either they organize a real electoral campaign for or against a religious, or they go around in a state of unconcerned passivity. Canon Law forbids electioneering or anything approximating it. But good sense demands, especially in congregations with world-wide expansion, that the electors take means to assure themselves of the qualities (health, virtue, experience, etc.) of the candidates for the various offices. The lb of demarcation between asking for information and organizing a campaign is not always too clear, but it can usually be made clear by the good sense and virtue of the religious themselves.

It should not be forgotten that a half-vote is sufficient to constitute the absolute majority (for instance, 17 votes out of 33 is an absolute majority). It is not required that the majority be constituted by one vote more than half.

2. *Rc-clcctions:* Canon Law sets no limit to the terms oi major superiors, but leaves this to the constitutions. The S. Congregation is not only not favorable to election beyond the term: provided in the constitutions, but is opposed to it on principle Superiors and capitulants should remember that they, no less than their subjects, have an obligation to observe the law of the Church. Perpetuation of individuals in office tends to prevent the formation of capable superiors or makes it necessary for them to be chosen from within a closed circle. Other things being equal, the S. Congregation definitively prefers the election of a new superior rather than the re-election of the one in office, when the term fixed by the constitutions has expired.

In case of a superior general, this re-election is called postulation, and requires a two-thirds majority of the chapter. Some constitutions forbid all postulation. The fact of having the two-thirds majority must be accompanied by sufficiently serious reasons to influence the judgment of the S. Congregation. The reasons will be judged with severity, and the confirmation of re-election after the term fixed by the constitutions will constitute a rare exception.

3. *Admission to Profession:* The freedom to refrain from perpetual profession is mutual on the part of both the institute and the subject. The sister may leave, and the community may refuse to admit her to perpetual profession. Such refusal may not be motivated by ill health, unless there is proof that the illness was fraudulently concealed or dissimulated prior to first profession. It is not necessary that this deceit or dissimulation should have come from the religious herself. A religious suffering from some hereditary disease which has been concealed from her by her parents may be refused admission to profession on this score, even though the deceit did not come from herself. The language of the Code is purely impersonal.

There are difficult cases of ineptitude coupled with ill health. If the ineptitude is in any way connected with the ill health, then the rule is the same as for a religious in poor health: she cannot be dismissed or refused admission to final vows. If it be simply ineptitude for the works of the community, then the community enjoys perfect freedom, since the period of temporary profession was intended precisely to determine whether or not the subject is able to make a contribution to the apostolate of the institute.

4, *Exclaustration:* An induit of exclaustration suspends the canonical obligation of the common life for an individual religious. It entails dispensation from the points of rule incompatible with the new status of the religious, forbids her to wear the religious habit, and deprives her of active and passive voice for the period of her stay outside the community. If there is no scandal, and especially when the reason underlying the exclaustration is not one for which the religious is responsible, Rome may, with the recommendation of the superior, permit the religious to retain the habit. The religious, however, has no right to demand such permission. Exclaustration is a favor, not a right, and the religious has the obligation to return whenever the superiors so wish.

Superiors cannot allow subjects to remain outside the community, except for purposes of study, for more than six months. This residence outside the community is not the equivalent of exclaustration and thus docs not entail any of the restrictions mentioned in the preceding paragraph. Such residence is not favored. Any situation demanding the residence of a religious

outside her community for more than six months is, generally speaking, a dangerous situation.

Exclaustration *"ad nutum Sanctae Sedis"* — at the good pleasure of the Holy See — is a measure adopted to cope with those situations in which a religious shows malice enough to be impossible to live with, and yet not canonically sufficient to justify dismissal. Oftentimes these cases involve a certain degree of mental weakness: unbalanced enough to be impossible, and not unbalanced enough to be locked up. In such cases the S. Congregation orders exclaustration, with all the above-mentioned restrictions, and the exclaustration perdures as long as Rome so wishes. The institute is obliged to assist in the maintenance of the religious.

The present practice of the S. Congregation demands, under pain of subsequent invalidity of the rescript, that all rescripts for dispensation from vows be definitely accepted or rejected within ten days of the date the subject is notified of the granting of the rescript.

(Private); Secretary of the S. C. Ret., Address to Mothers General, Sept., 1952. This text is taken from the *Review for Religious,* Vol. XIII, pp. 297-305, with the kind permission of the Editors, who published it with the permission of Father Larraona himself, from the *Ada el Documenta Congressus Internationalis Superiorissarum Generalium* (Rome, 1952).

CANON 505

Superioress General: Practice of the S. C. Rel., regarding the postulation o! a Superioress General who has already been in office for twelve years *Commentarium pro Religiosis,* 32-90, *"Ex Jurisprudentia et Praxi S. C. de Religiosis."*

CANON 518

Prefects of Studies and Spiritual Directors Held by This Canon If They Are Also Quasi-Supcriors (Cod. Com., 29 Sept., 1918) Private.

The Code Commission declared that prefects of studies and spiritual directors, though not true superiors, if the clerical students are immediately subject to them, "must observe can. 518, § 2 if the students in any way form a section separate from the community."

(Private); Cod. Com., 29 Sept., 1918; reported in a book review in *Th(olo£isch-f>raktischc Quartalschrift* (Linz) 74 (1921) 439.

Note: No further information is given regarding this reply. Cf. Schaefer: *De Religiosis,* ed. 4, n. 620.

CANON 534

Alienations and Debts: Temporary Limit-Values in Various Currencies (S. C. Ret, 29 Jan., 1953) Private.

A Notification of the S. C. of Religious (Prot. N. 2422/46):

By order of higher authority the following notice is given regarding the application of the Decree of the Sacred Consistorial Congregation published in the *Acta Apostolicae Scdis* for 18 Sept., 1951 ?

1. Until new dispositions are made, the sums of money indicated in the following table are to be considered for the respective countries as the limit beyond which the permission of the Holy See is required according to canon 534, § 1 of the Code of Canon Law.

America, North and Central	U. S. Dollars	5.000
Argentina	Argentine Pesos	100,000
Belgium	Belgian Francs	250,000
Brazil	Cruzeiros	150.000
Canada	Canadian Dollars	5,000
Colombia	Colombian Pesos	15,000
Egypt	Egyptian Pounds	2,000
France	French Francs	2,000,000
Germany	Marks	20,000
Great Britain	Pounds Sterling	2.000
India	Rupees	25,000
Italy	Lire	3,000,000
Netherlands	Dutch Florins	20,000
Philippines	Philippine Pesos	15,000
Portugal	Portuguese Scudi	150,000
Spain	Pesetas	200,000
Switzerland	Swiss Francs	20,000
Turkey	Turkish Pounds	20,000
Uruguay	Uruguayan Pesos	15.000
Venezuela	Bolivars	15.000

| Cf. Canon Law Digest, 3, p. 212.

2. For countries not on the list the norm must be taken from the value of the currency of nearby countries where similar conditions exist.

(Private); S. C. Rd., Notification, 29 Jan., 1953.

Note: This list of values is the same as that given in the Notification of the Sacred Consistorial Congregation, IS Oct., 1952 (reported in this volume under canon 1532). The two documents should be considered together.

Bond Issues and Annuity Contracts (Apostolic Delegation. U. S., 15 Feb., 1956; S. C. Rel., 1955) Private.

With a Circular Letter of 15 Feb., 1956, the Apostolic Delegation of the U. S. sent the local Ordinaries some replies of the Sacred Congregation of Religious. The two documents are as follows:

I. *Letter of the Apostolic Delegation*

15 February, 1956

Your Excellency:

Occasionally inquiries have been directed to the Sacred Congregation of Religious to ascertain whether the norms set down in my circular letter of November 13, 1936 (N. 173/35), were still in effect.

The Sacred Dicastery has now graciously deigned to answer this question and certain others regarding financial transactions that have arisen.

I am enclosing a copy of the statement with the hope that, in furtherance of the desires of the Sacred Congregation for Religious, Your Excellency will bring it to the attention of the religious in your diocese.

With cordial regards and best wishes, I remain,

Sincerely yours in Christ,

Amleto G. Cicognani,
Archbishop of Laodicea,
Apostolic Delegate

II. *Replies oj the Sacred Congregation of Religious*

Sacred Congregation of Religious Trot. N. 8743/55

Questions

1. Is the Circular Letter of the Apostolic Delegation of the United States of North America, of 13 November, 1936, N. 173/35 regarding the issuance of bonds and the establishment of permanent incomes or "annuities," still in effect?

2. If the reply to question 1 is in the affirmative, how is the amount of 30,000 francs of canon 534 to be computed? That is, should it be computed according to the equivalence stated in that Letter, namely $6,000, or rather according to the declaration of the Sacred Consistorial Congregation of 18 October, 1952, and that of the Sacred Congregation of Religious of 29 January, 1953, that is, $5,000?

3. Is the permission of the Holy See required whenever the total amount which is the object of the "annuities" contract exceeds the value of 30,000 francs, or rather whenever the sum to be paid annually by the moral person to the benefactor exceeds the value of 30,000 francs?

Replies

1. In the affirmative.

2. In the negative to the first part, in the affirmative to the second.

3. In the affirmative to the first part, in the negative to the second, *et ad mentem*. The mind is:

a. In case of the non-fulfilment of their obligation according to law on the part of the religious, the creditor or benefactor has the right, to the exclusion of any clause to the contrary, to demand the rescission of the contract and the repayment of the entire sum.

b. The obligation of the religious — in the absence of a clause to the contrary — does not extend beyond the amount received: that is to say: the sum of all the returns that are to be paid even for many years, unless there is an express agreement to the contrary, shall never exceed the amount they have received from the creditor.

(Private); Letter of Apostolic Delegate, U. S., 15 Feb., 1956; and replies of the S. C. Rel., N. 8743/55.

Note: We have reproduced the Letter and translated the Replies directly from copies which were kindly sent to us by the Most

Reverend Amleto G. Cicognani, Apostolic Delegate to the Unitei States, with permission to publish them in the Canon Law Digest.

The Letter of 13 Nov., 1936, is in Canon Law Digest, 2, p. 161. *The declaration of the S. Consistorial Congregation is in the* present *volume under canon 1532; and* that of the S. C. *of Religious is i.- the present volume under canon 534.*

Faculty of U. S. Apostolic Delegate for Alienations and Debts Renewed (Apostolic Delegate. U. S.. 5 Nov., 1956) Private.

The Most Reverend Apostolic Delegate to the U. S. informs us:

I can assure you that my faculty to permit alienations, etc., continues as reported in the "Canon Law Digest" vol. III. p. 368 a. This was renewed for me by the Sacred Congregation for Religious as recently as February *9, 1956.*

(Private); *Apostolic Delegate, U. S., 5 Nov., 1956. Personal letter,* X *251/40,* kindly sent to the Canon Law Digest.

Note: For the sake of convenience, the faculty referred to is here repeated:

To permit the contraction of loans, sales, and alienations of property belonging to a religious institute, when the sum involved does not exceed a half a million gold dollars, provided that there is observance of the norms which were made known to the Most Reverend Ordinaries and to the religious Superiors by this Apostolic Delegation on November 13, I936.[1]

CANON 559

School for Mistresses of Novices: Established in Rome under the name *"Mater Divinae Gratiae."* S. C. Rd., Decree, 15 March, 1957 (AAS 49-749).

CANON 594

Radio and Television: Norms for Religious (S. C. Rel., 6 Aug., 1957) Private.

A Letter of the S. C. of Religious "to the Superiors General of the Institutes of Perfection Regarding the Use of Radio and Television" is as follows:

[1] See Canon Law Digest, 2, pp. 161-166

As early as the first of January, 1954, the date on which the transmission of television in Italy was inaugurated, the Holy Father in an important exhortation on television,[1] communicated to the Most Reverend Ordinaries of places his anxiety over the effects which this new and powerful means of diffusing news, facts, and exhibitions from all parts of the world might have on the moral and spiritual life of the people.

This marvelous product of modern science, which within a short time has been made practically available to every one, is quite frequently to be found also in religious houses; and as we know, even in Italy where good intentions, promises, and the uood will of a number of persons might have encouraged the hope that the programs would be kept within the bounds of decency and morality, these limits have not always been observed.

The Supreme Pontiff has therefore felt a still greater concern regarding the use of this instrument at once precious and dangerous, especially in Institutes of Christian perfection.

In the religious life there is question of safeguarding the discipline and holiness of that life, which is imperiled not only by things that are evidently wrong but also by the infiltration of worldliness, which destroys the relish for the things of the spirit and diminishes, often insensibly, that desire of perfection which must always remain alive in a religious, dedicated to it as he is by his very profession.

In the aftermath of the Congress of the States of Perfection which was held at the close of the year 1950, this Sacred Congregation has taken a lively interest in the regulation of these modern inventions, the cinema, radio, and television, in their various aspects in relation to the religious life, its discipline, and its apostolate.

Especially as regards radio and television, after having drawn profit from the results of the Congress itself, it has asked for and collected the opinions of religious Superiors and of other persons from various nations and of diverse temperaments, qualified by solid learning, religious piety, and experience in the spiritual life, in order to prepare and send out an Instruction establishing some general norms from which the Superiors of the various religious Institutes might derive a more detailed and specific regulation of this matter on the basis of their particular

[1] AAS 46-18; reported in this volume under canon 336.

spirit, the form of their discipline, and their internal and external aims.

Evidently, considering the good and the evil, the usefulness as well as the dangers of television, this Sacred Congregation does not see any necessity for its indiscriminate suppression in all religious Institutes; nor does it mean to approve its full and absolute admission or toleration. The former course would run the risk of alienating too completely from social life certain religious Institutes which have to live in the midst of the world and deploy a social and religious activity there; the latter would plunge the religious back into the world which he has abandoned, to be gradually tainted with that worldly spirit which is incompatible with the religious ideal.

The Church does not thereby mean to reject whatever science and progress provide for humanity, if it can be directed to a good purpose; but she cannot and does not diverge from the principle *"salus animarum suprema lex";* to do so would be to fail in her mission. In regard to religious — that select group in the Church — she seeks to eliminate not only serious and obvious dangers but also whatever may impede or retard the progress toward perfection which is the very purpose of religious life.

With regard to radio and television some needed distinctions have to be made. The requirements of the contemplative life are different from those of the active life; in the active life itself two considerations occur: what may be allowed by way of proper relaxation and amusement, and what is demanded by the needs of the apostolate; and even in the apostolate, one question is what may be allowed for one's own instruction and experience, another, what the religious themselves can give to the faithful whom they influence and assist.

On the basis of these considerations this Sacred Congregation has thought it well to establish some fundamental norms and also to invite the Superiors of the various Institutes, together with their respective Councils, to control this matter by somewhat more concrete regulations in keeping with their own spirit and traditions, so that a thing which can be an effective aid to the apostolate may not degenerate into a cause of spiritual ruin for religious, or worse still, of a general relaxation of religious discipline.

After having considered everything this Sacred Congregation

establishes the following norms and presents them to Superiors for exact observance, "*graviter onerata eorum conscientia.*"

1. There is no sufficient reason to justify introducing television apparatus in communities of contemplative life, either of men or of women. A radio apparatus can be tolerated for the sole purpose of enabling the religious to hear the words of the Pope when he speaks to the whole world and to receive his blessing, or on the occasion of some exceptional celebration of a religious character.

2. In Institutes of active life:

a) Never can individual radios, and much less individual television sets, be permitted, to be used freely and without the control of the Superior.

b) The radio and television apparatus must always be located exclusively in some community hall, in an open place, under the control of the Superior or of some one delegated by him.

c) Superiors must regulate the time given to television or to listening to the radio so that there be no interference with the occupations and duties of each one's state or office, the apostolate, practices of piety, exercises of the common life, and hours of rest, according to the community's daily order.

d) Superiors should forbid showings or broadcasts which because of their moral tone or worldliness are not suitable for religious. Aside from the daily news and transmissions of an educational or religious character, all the rest should or at least may be considered as of that type in relation to the religious life, and hence to be excluded if proposed only for the recreation of the religious.

c) If reasons of the apostolate clearly require, in the case of certain individual religious and in concrete cases, that some reasonable exceptions be made, the decision as to these must always be reserved to the Superior, who "*graviter onerata conscientia,*" must see to it that the danger be made as remote as possible, by making a careful choice of the religious concerned, who should be persons of solid religious spirit and sound experience of life, and well able to discern not only what might be harmful to the religious themselves but also what might harm those for whom the show is intended.

(Private); S. C. Rel., 6 Aug., 1957 (N. 01742/53); translated from the

Cinema: Apostolate on part of religious. See c. 469; S. C. Rel., 11 May, 1953, private.

Shows presented by religious; extent of control by diocesan authorities. Sec c. 1384, ref.

CANON 596

Habit, Religious: The practice of the S. C. of Religious and the mind oi the Holy Sec as to approving the habit chosen for new Institutes and allowing a change in the habit of existing Institutes. *"Ex lurisprudenlu S. C. de Religiosis" (Commentarium pro Religiosis,* 32-93).

CANON 600

Manner of Taking Solemn Vows by Permission of the Holy See: Various Questions (S. C. Rel., 9 Aug., 1951) Private.

A private reply of the Sacred Congregation of Religious, 9 Aug., 1951:

Your Excellency:

This Sacred Congregation has received the notice of the promulgation of the Decree of 22 Feb., 1951 (N. 292/51), which provides that in future the nuns of the Monastery of D, in the city of L must take solemn vows and observe the papal cloister. We thank you cordially for the communication.

On the same occasion Your Excellency presented some questions to this Sacred Congregation for solution. Accordingly, this S. C. after carefully considering the matter decided to reply as follows:

1. Q. Is the formula of profession necessary for the validity oi solemn vows recently pronounced?

R. In the negative; that is, it is not necessary for validity, without prejudice to canon 572, § 1, 5°.

2. Q. Is a promise of obedience, made to one who is not the Superior, valid?

R. In the negative, unless the power of the Superior has been merely *suspended* by prescription of the Holy See; in which case the promise is valid *in sc,* though it cannot be exercised.

3. Q. When the Mother Prioress pronounced the solemn vows in the hands of the Bishop, should she not have promised obedience to the same Bishop?

R. In the negative.

4. Q. The Master General of the Order of Preachers is not the

canonical Superior of nuns who are subject to the local Ordinary. For that matter he was neither present nor represented at the promulgation of the Decree and at the taking of the vows.

R. This is provided for in 2 and 3.

(Private); S. C. Rel., Replies, 9 Aug., 1951. Annotations, *Commentarium pro Religiosis, 32* (1953)–111 (Gutiérrez).

Note: The *formula* for the decree by which the Holy See, at the request of particular Monasteries of nuns, grants them permission to take solemn vows, was published in Canon Law Digest, 3, p. 252. The same formula appears in *Commentarium pro Religiosis,* 32-108, with a commentary by Gutierrez, who also reports and comments on the above *private replies* on that subject.

External Apostolic Work of Monastic Nuns (S. C. Rel., 19 March, 1952) Private.

A Letter of Father Larraona, Secretary of the Sacred Congregation of Religious, addressed to Ordinaries of Places, is as follows:

As Your Excellency is aware, the venerable institution of Monastic Nuns was inspired with fresh vigor and provided for in such a way as to enable it to make continuous progress in the fulfilment of its mission in the Church and in human society, by the Apostolic Constitution, *Sponsa Christi,* of 21 November, 1950 (J/15, Vol. 43, p. 5)?

In that Constitution the Supreme Pontiff openly reminded Nuns, who are of such value for their service to the Church and to souls, that their vocation is "fully and totally apostolic" *(Sponsa Christi, loc. cit.,* p. 14),[2] since the love of the Heavenly Spouse cannot be separated from the love of souls, for whose salvation and sanctification He did not hesitate to lay down His life.

Hence in following primarily their vocation of the contemplative life, Nuns are already surely exercising the apostolate by their example of Christian and religious perfection, by their prayers and their practice of mortification.

To this form of apostolate, however, which constitutes the specific vocation of Nuns, immediate action in aid of the neighbor

[1] Canon Law Digest, 3, p. 221 [2] *Ibid.,* p. 231.

by works which are consistent with their peculiar way oi lilt may at times, and under certain circumstances should, be add: I as accessory.

Accordingly the Apostolic Constitution rightly declares th', the exercise of apostolic works, if undertaken with due modera l tion and for sufficient reason, not only does no harm to the con- templative life, but may and should constitute an element which gives it a higher value and enlarges its effectiveness *(Joe. ci!* pp. 10-11)?

As regards Nuns "who in their own Constitutions or lawful prescriptions have definite works of some special form of apo.- tolate," the Pontifical document renews the obligation to give and consecrate themselves faithfully to those works (Genera! Statutes, IX).

But those who profess a purely contemplative life, "if they have or have had in their traditions some accepted special form of external apostolate" are earnestly exhorted by *Sponsa Christi* "faithfully to retain the same, adapting it to the needs of the present day, always without prejudice to their life of contempla- tion, and if they have lost it, to see to it diligently that it be restored" (General Statutes, IX, §2, n. 1).

Finally for all Monasteries, even those in which "the life of contemplation has hitherto not been coupled in any permanent and constant way with the external apostolate," the Holy Father prescribes that "they may, and at least out of charity they should, be employed in cases of necessity and for a limited time, especially in those individual or personal forms of the apostolate' (General Statutes, IX, § 2, n. 2).

Consequently, the Constitution itself more than once envisages cases in which the supreme ecclesiastical authority may impose some apostolic activity, according to criteria and norms to be fixed by the Holy See *(Joe. cit.,* p. 15, art. I, § 2; p. 20, art. IX § 2, n. 2).

Certainly Your Excellency is aware that the Supreme Pontiff, considering the present grave needs of the Church and of souls which require the cooperation of everyone without exception to meet them, has declared that "the time seems to have come for combining the monastic life, generally even in the case of Nuns

3 *Ibid* , p. 227.

who are given to contemplation, with some moderate apostolic work" *(Joe. cit.,* p. 11).4

Accordingly the S. C. of Religious, faithfully following the august direction of the Supreme Pontiff in this matter, considers it its duty in these most critical circumstances of our times, to urge upon Monastic Nuns the obligation of collaborating appropriately and effectively in those apostolic works which can be harmoniously adapted to their peculiar way of life, such as the leaching of Christian doctrine, the preparation of boys and girls for their First Communion, and so on.

According to circumstances the Nuns may engage in these and similar works, while keeping the major papal cloister, or if necessary by obtaining appropriate adaptations or dispensations; sometimes however, at least temporarily, it will be necessary to adopt the minor papal cloister.

At all events the canonical contemplative life must always be protected and kept inviolate in its essential elements, keeping in mind also the peculiar character of each Monastery.

This Sacred Congregation kindly asks that, together with the particular needs of your diocese, Your Most Reverend Excellency make known to this Sacred Congregation also your opinion as to the cooperation in works of the apostolate. even on a temporary basis, which might possibly be expected of Nuns who are under cloister.

In case Your Excellency judges that the active cooperation of Xuns in these works is necessary, kindly indicate also how Nuns might furnish such assistance, and ask for the necessary faculties.

(Private); S. C. Rel., Letter, 19 March, 1952; reported in *Commentarium fro Religiosis,* 1952, p. 6.

Federation of Monasteries of Nuns: Formula for Nomination of Delegates (S. C. Rel., 1953) Private.

The Sacred Congregation of Religious allowed to be published the following formula which it is accustomed to use in a decree nominating a Delegate to prepare a Confederation of Monasteries of nuns.1

4 *Ibid.,* p. 22$

1 Reproduced in the original Latin, since there seems to be no advantage in translating it.

Sacra Congregatio Negotiis Religiosorum praeposita, bonus Monasteriorum Monialium promovere cupiens, tempusque advenisse existimans Constitutionem Apostolicam, "Sponsa Christi, in iis quae ad Foederationes instituendas pertinent, ad praxirr. deducendi in Ordine------, vi praesentis Decreti Rev.mum Patres ----- pro Monasteriis-------DELEGATUM nominat ac designat.

Reverendissimi Patris Delegati munus erit de iis omnibus quae necessaria ad Foederationem constituendam visa fuerint curam gerere eaque diligenter perficere, ut puta conventibus ad hunc finem coactis praesidere, Documenta Pontificia institutum Monialium spectantia, prout opus erit, explanare, difficultates, si quae exstiterint, expedire, hisque similia.

Ut vero munus suum recte valeat exercere, Sacra Congregatio Rev.mo Patri Delegato quae sequuntur concedit facultates:

a) Permittendi ------ aliisve Antistitis ut e clausura, una cum socia, ad conventus cum aliis ------ vel Antistitis agendos, egrediantur;

b) Permittendi ------ aliisve Monialibus egressum e clausura, ut alia Monialium----- Monasteria invisant ibique commorentur, cum ad Foederationem constituendam necessarium vel utile hoc ipsi videbitur;

c) Ingrediendi Monasteriorum clausuram si, ad eundem finem necessarium vel utile fore censuerit.

Valeat, praeterea, Rev.mus Pater Delegatus commissam sibi potestatem alteri moderate subdelegare, sive ad actum sive etiam habitualiter, ad normam canonis 199, § 2. Moneat vero semper Exc.mos locorum Ordinarios, quorum res quomodolibet interest, de accepto mandato, et omni ope adnitatur ut cuncta prudenter et ordinate procedant, eo consilio ut bonum Monasteriorum revera promoveatur.

In omnibus difficultatibus, quae in munere obeundo exstiterint, Rev.mus Pater Delegatus ad Sanctam Sedem recurrat, ad Quam de omnibus quae, sive a seipso sive a sui subdelegato, acta erunt, relationem transmittet. Eiusdem vero Apostolicae Sedis erit, quatenus oporteat, Foederationis erectionem decernere eiusdemque Statuta approbare.

Contrariis quibuslibet non obstantibus.

Datum Romae,-----

(Private); S. C. Ret, Formula, 1953. Annotations, *Commentarium pro Relictoris,* 33-26 (Ruiz).

[Private] PAPAL CLOISTER

Accommodation of Minor Papal Cloister (S. C. Rel.) Private.

Subsequent to the publication of the Apostolic Constitution, *Sponsa Christi,* and the Instruction on the same,[1] and prior to the recent Instruction *Inter cetera* (S. C. Rel., 25 March, 1956),[2,3] an accommodation of minor papal cloister was made available and use of it could be petitioned in individual cases for those communities which felt they could not fully observe the norms given in the *Sponsa Christi* and the earlier Instruction. The text of the accommodation is as follows.

Accommodation of the Minor Papal Cloister to Orders of Nuns Who From Their Institute Engage in the Works of the Apostolate

Criterion

1. The minor papal cloister can be delimited in a special manner for certain Orders or Monasteries of Nuns, provided that it remains more severe than the cloister which is in force for religious Congregations of women and even for Orders of men, and that it is based on the exercise of the apostolate itself.

A lull delimitation and ordering will have to be made in each one's own Constitutions or Statutes.

Subject

2. The special minor papal cloister is applied to the Monasteries of those monastic Orders or Congregations which from their institute or from their foundation are destined by Rule and Constitution and constant tradition to works of the apostolate, especially the education of children and youth, the care of fallen or imperilled girls, and the care of the sick.

3. The same cloister can be granted for a serious reason to those monasteries which from legitimately approved tradition undertake the works of the apostolate for the same reason and in the same method as Monasteries set up for those works by

[1] Both documents reported in Canon Law Digest, 3, pp. 221 and 240.
[2] Reported below in this same volume under this same canon 600.

their institute and in which, therefore, the whole community is habitually engaged in the works of the apostolate.

Care should be taken, however, that this manner of life be not contrary to the Constitutions or character of the Order or Monastery.

Extent

4. This cloister also carries with it a division of the Monastery into two parts, one of which is set aside for the community, the other for the works.

5. The parts of the Monastery set aside exclusively for the use of the nuns should be clearly defined under the authority of the local Ordinary.

6. Among the parts set aside for the works can be reckoned all those which lie within the confines of the Monastery and are not exclusively for the use of the nuns: thus, the church, parlors, quarters for guests, etc., as long as it is not otherwise provided for in particular law.

7. Places for the exercise of the works should be annexed to the Monastery itself, not, therefore, situated outside the precincts of the Monastery.

By way of exception, with the approval of the Holy See, the exercise of the works can be allowed in the proximity of the Monastery itself and, in special circumstances, e.g., in mission localities, more extensive exceptions can be made.

8. Outside the Monastery nuns may engage in works of the apostolate which are, as it were, a complement to the works habitually carried on inside the Monastery, e.g., assisting girl-pupils in church and in processions, frequenting schools or making visitations with girl-pupils, etc.

To reduce the number of goings-out, certain works can usefully be performed by oblates regular or by affiliates.

Protection of Cloister

9. The parts of the Monastery set aside exclusively for the nuns should be entirely protected against entrance by externs in a stable and secure manner as is set down for major cloister.

10. The other parts of the Monastery, and so the choir in the church, the parlors, the places for the works, etc., should

likewise be protected against the entrance of externs by a wall or other sufficiently safe wav.

Moreover, the separation from externs who are admitted into those places and the manner of dealing with them should be well defined in each one's own Constitutions or Statutes, care always being taken, however, that in the parlors, the choir in the church, etc., everything unbecoming be avoided and the observance of chastity and recollection be safeguarded.

Government of Cloister

Going Ont oi the Monastery

11. Minor cloister for such Monasteries forbids every kind 01 departure from the confines of the Monastery which is not founded on the apostolate as a basis and which is not done with the lawful permission of superiors.

12. With permission of legitimate superiors, to be granted according to the norm set down in the Constitutions or other particular law, the nuns may go out:

a. to acquire the necessary preparation for the works of the apostolate to be exercised later;
b. to exercise the works of the apostolate itself, provided that the going out is. as it were, a complement of that apostolate which is habitually carried on within the precincts of the Monastery;
c. to carry on the businesses connected with the apostolate, e.g., treating of business with religious or civil authorities, making acquisitions of greater moment, other businesses for the good of the Monastery;
d. to take part in conventions, congresses, or sessions of studies when it appears necessary or very useful for the exercise of the works of the apostolate or for the completing or perfecting of the capability of the nuns who are engaged in them.

It is not lawful, therefore, to go out for reasons of curiosity or the satisfaction of personal interest.

13. To go out of the Monastery, provided a legitimate permission or order is given according to the Constitutions, is also lawful:

a. for superiors of Monastic Federations or Congregations for the exercise of the office committed to them;
b. for all nuns taking part in chapters, councils, and other meetings legitimately convoked, for transfer to another house in a case allowed by the Constitutions, for a new foundation, etc.

14. Special faculties can be granted to superiors because oi necessity or great utility rising out of reasons not foreseen above, always excluding cases of curiosity, personal satisfaction or interest.

Transit to Places oj Works

15. Nuns are allowed to go to places of works either occasionally or habitually by reason of assignment or with permission of Superiors according to the norm of the Constitutions or other particular law.

Entrance oj Extents into Places Reserved jor the Community

16. No extern of any condition, sex, or age is allowed to enter the parts of the Monastery reserved exclusively for the nuns and designated *Cloister,* even for a short time, without prejudice to all those provisions set down for major cloister.

Entrance oj Extents into Places jor Works

17. To enter the places set aside for the works is lawful for all persons, i.e., pupils, both boys and girls, and all others for whom the works are destined or who are employed as collaborators or helpers in carrying on the works.

18. Entrance into the place of the works is also lawful for those who from canon or civil law have the right of vigilance over the works carried on.

19. Entrance with the permission of Superiors, granted according to the norms of the Constitutions or other particular law, is also lawful for those who come by reason or on occasion of the apostolate or who are parents of or bound by other bond to persons for whom the apostolate is directed or who, for a just cause in the judgment of superiors, are considered admissible

20. Opportune precautions should be prescribed regarding the admission of extern persons, especially when it concerns men.

21. The scope of the apostolate with regard to permitting entrance, saving however the spirit, tradition, and character of each Monastery or Order, can be understood in a broad sense so as to include those works which are, as it were, the complement of the principal works engaged in. e.g., an affair carried on for the parents or other relatives of the pupils, boys or girls, on the occasion of a religious or scholastic celebration; likewise an affair conducted for them in special meetings destined for them; similarly an affair which continues its influence on those who formerly were the object of the apostolate, as would be former girl-pupils.

Custody oj Cloister

11. Statutes or Constitutions should accurately determine those things which pertain to the parlors; the manner of conduct by nuns when occupied in the works of the apostolate or with persons who come to the Monastery on occasion of the apostolate: precautions to be taken lest the entrance of externs cause inconvenience; precautions and the manner of conduct for nuns legitimately going out of the Monastery.

23. Vigilance over the observance of cloister, besides being the right and duty of the superiors of the federation and the superior of the Monastery, is the right and duty of the local Ordinary.

24. Nuns illegitimately going outside the precincts of the Monastery automatically incur excommunication which is reserved to the local Ordinary unless in the Statutes it is said to be reserved to the Holy See.

25. Illegitimate passing from the quarters of the community to the places of the works should be punished by superiors.

26. Illegitimate entrance of externs into places reserved exclusively for the nuns is punished with excommunication reserved simply to the Holy See (perhaps it could be reserved to the local Ordinary).

Illegitimate entrance into the places set aside for the works should be punished by the local Ordinary according to the gravity of the fault.

(Private); S. C. Rel. Translation made from the Latin text which wis supplied to us through the kindness of the Very Reverend Albert Drexelh O.P., Rel. Assist., S. Cong. Rel.

Cloister of Nuns (S. C. Rel., Instruction, 25 March, 1956) AAS 48-512.

This Instruction, entitled *Circa Monialium Clausuram,* is a? follows:

1. Among the motives which prompted His Holiness Pius XII to promulgate the Apostolic Constitution *Sponsa Christi,'* he himself attached considerable importance to the difficulties occasioned by the present rather strict laws of papal cloister. And this is not to be wondered at, since he clearly perceived the changes which time and circumstances have wrought in the entire institution of Nuns. When it came to outlining the general character of the renovation and adaptation of this institution, the Apostolic Constitution wisely provided: "Accordingly, without the least prejudice to any of the native and principal element.' of the venerable institution of Nuns, as to the rest, which are found to be external and adventitious, We have decided to make, with caution and prudence, certain adaptations to present times, which may not only do honor to the venerable institution but at the same time enlarge its effectiveness." His Holiness therefore, whereas in the General Statutes (art. IV) he paternal!} decreed some adaptations of the papal cloister of Nuns to the conditions of our time, in other respects confirmed and restored it everywhere.

For one of the peculiar and most important elements of the canonical contemplative life is that strict enclosure which, based on ancient tradition and defended in the course of the centuries, is at the same time a safeguard for the solemn profession oi chastity and an excellent way of disposing the soul for a more intimate union with God. And in these days, the more violently men's minds are drawn to external things, the stronger must be the observance of the cloister, which enables Nuns to be more closely united to God.

2. The Sacred Congregation of Religious, in pursuance of the task assigned to it by the Supreme Pontiff, namely, "through

1 Ap. Const., 21 Nov., 1950; AAS, Vol. 43, p. 5 *seq.;* Canon Law Digest, 3, p. 221 *scq.*

instructions, declarations, responses and other documents of the kind, to do everything which concerns putting the Constitution carefully and effectively into practice and securing the faithful and prompt observance of the General Statutes," as early as the 23rd of November, 1950, published an Instruction, *Inter praedura,* the first part of which is entirely concerned with the major and minor cloister of Nuns.2

3. And now after the fruitful experience of several years and after having repeatedly examined and carefully considered all the reports that have reached the Holy See on this matter, seeing that after the introduction of the minor papal cloister by the Apostolic Constitution *Sponsa Christi* of 21 November, 1950, the Instruction of the Sacred Congregation of Religious, *Nuper edito,* of 6 February. 1924;' is no longer in agreement with the present discipline, the same Sacred Congregation considers that it is now possible and appropriate to make some further provisions and to deal anew with the entire subject (cf. c. 22); and this it proposes to do in the present Instruction.

I. Papal Cloister in General

4. Nuns of all Monasteries, even though by way of temporary exception they still profess only simple vows (Const. *Sponsa Cltristi,* art. HI, §2), if they wish to retain the name and juridical status of Nuns, must necessarily accept and keep at least the minor pontifical or papal cloister (art. IV, § 5, 2°).

5. Whether there is question of founding a new Monastery where cloister is established for the first time, or of a Monastery already founded where cloister is to be restored, the Nuns will be strictly bound actually to observe the pontifical or papal cloister, which shall apply to the ingress and egress of all persons, from a precise moment to be carefully fixed and defined in writing by the competent ecclesiastical authority, that is by the Ordinary of the place.

6. The law of cloister, major or minor, affects every Monastery which is subject to the one or the other, even though the number of the Nuns who live there be diminished or small (c. 597, §2).

-ZÎ.I5, Vol 43, p. 37; Canon Law Digest, 3, p. 240.
' .4.45, Vol. 16, pp. 96, 192; Canon Law Digest, 1, p. 314.

II. The Major Papal Cloister

Character of the Major Papal Cloister

7. The major pontifical or papal cloister is the one which is in the Code (cc. 597, 600-602) and which is clearly and solemnly confirmed and more fully described in the Apostolic Constitution *Sponsa Christi,* and more exactly defined in the Instruction *Inlet praeclara* (VI-X).

8. *a)* The major pontifical or papal cloister exists by rule and is binding in all Monasteries where solemn vows are actually taken and which profess an exclusively contemplative life (Const. *Sponsa Christi,* art. IV, §2, 2°).

b) In Monasteries where, although the Nuns are given to an exclusively contemplative life, yet exceptionally and by induit only simple vows are taken (Const. *Sponsa Christi,* art. HI, §2), although the cloister should be the major one if that is possible (art. IV, § 2, 2°), yet, especially as regards the sanction by the Holy See. the minor cloister may be granted and is applied prudently according to the case (Const. *Sponsa Christi,* art. IV. §3, 3°; Instr. *Inter praeclara,* V).

9. Monasteries in which according to the Rule and the Constitutions only the contemplative life is to be followed, may retain the major cloister even though for grave reasons and for their duration certain apostolic works are assigned to or allowed them by' the Holy See, provided that only some of the Nuns and a part of the Monastery', carefully distinguished and separated from the part where the community lives and practices the common life, be assigned to those works.

10. The law of cloister is binding on all Nuns (c. 601), Novices, and Postulants (c. 540, §3). The professed of temporary' vows after their vows have expired, and Novices and Postulants always, may' go out of the cloister only' when they intend to leave the Monastery for good.

11. *a}* The cloister necessarily includes not only the Monastery' building and its annexes in which the Nuns reside, but also the yards and gardens, and whatever places they' frequent.

b) Outside the cloister are: those parts of the parlors which are reserved for outsiders: the church and oratory' *outside the choir reserved to the Nuns;* the sacristy' and places adjacent to it which are open to the clergy and servers; the place where the

priest hears the Nuns' confessions; the house where the extern Sisters live; and the places destined for the chaplains and guests.

12. *a)* Although the church and the sacristy and its annexes devoted to worship are not within the cloister, still if it is really necessary that the Nuns themselves occasionally perform some service there, local Ordinaries can on their own authority permit that, during such necessity and while the work continues, the cloister be actually extended to include these places, provided that all the prescriptions given below for the protection of the cloister be observed there during that time.

b) In the same circumstances and under the same conditions, Ordinaries can permit that the cloister be extended for the occasion to the parlors and other places annexed to the Monastery when, because of the want of extern Sisters or for some other reason, it is considered really necessary that the Nuns perform some service there also.

13. *a)* The parts of the Monastery which are subject to cloister as above must be so protected and secured that not only entrance into them be entirely prevented but also that the view inward by outsiders and outward by the Nuns be as far as possible effectively shut off.

b) Hence also the yards and gardens must be surrounded either by a high wall or by some other effective means, such as wooden boards, an iron grating, or a thick and strong hedge, according to the judgment of the Ordinary and the regular Superior, with due consideration especially of the site, the number of seculars, and so forth.

14. a) Windows looking out on the street and on neighboring houses, or which afford any opportunity for communication with outsiders, must be equipped with glass that is not transparent and with fixed shutters or lattices so as to cut off the view from either side.

b) If there are terraces or walks to which the Nuns have access above the roof of the Monastery, thev should be surrounded with screens or in some other effective manner.

15. Unless some stricter provision exists by particular law. the Nuns, in accordance with the general spirit of the liturgy, should not be prevented by the law of cloister from seeing the altar, but in such a way that they themselves be not seen by the faithful.

16. The part of the parlor which is reserved to the Nuns must be separated from the part destined for outsiders, by two screens securely fixed some distance apart, or in some other effective way according to the judgment of the Ordinary and the regular Superior— and this is a strict conscientious obligation for them- so that the persons on one side cannot be reached from the other

17. Near the entrance to the Monastery and also in the parlors, the sacristy, and wherever it is needed, there should be inserted in the wall a revolving wheel or box, according to usage, for passing necessary articles through from one side to the other. It is not forbidden to have small openings, so as to see what is being put into the box.

Egress of the Nuns

IS. The law of major cloister obliges the Nuns to remain perpetually within the precincts of the Monastery which are designated as within the cloister by ecclesiastical authority, and not to leave the same under any pretext even for a short time, outside the cases provided for by law or legitimate permission.

19. They mav not leave the cloister on the occasion of their clothing, profession, Communion, or for any such reason.

20. The Nuns may not go from one Monastery to another even of the same Order, even for a short time, without the permission of the Holy See, except as provided by duly approved particular law for Federations of Monasteries of Nuns.

21. a) It is allowed to go out of the cloister in case of imminent danger of death or of any other very serious harm (c. 601. § 1). Such cases are: fire, flood, earthquake, dilapidation of the building or walls threatening to crumble, air raids, incursion oi soldiers, urgent requisition of the Monastery by military or civil authorities.

b} \lso, an urgent surgical operation or other urgent medical treatment to be had outside for the care of health, a disease of one person which is truly dangerous to the whole community.

c) Likewise, if a grave and urgent necessity of this sort occurs in the case of an extern Sister or of some one who is taking her place, who cannot otherwise receive the needed care, the Superioress in person or through another Nun, with a companion, may visit her.

d) These dangers (a), and grave and urgent necessities (6), (c), are to be acknowledged in writing by the local Ordinary if there is time (c. 601, §2); otherwise he should be notified afterward.

22. A going out is regarded as legitimate when there is an urgent obligation to exercise some right or perform some duty of a civil nature, and the local Ordinary has previously issued a declaration to that effect.

23. Nuns who have obtained permission to go out of the cloister are bound to go directly to the place for which the permission was given, and they may not on such an occasion go elsewhere.

When Nuns are outside the Monastery they are bound to observe strictly the norms and safeguards which are prescribed for religious women in similar cases either by the Code (c. 607) or by the Holy See, or by Ordinaries (c. 607).

24. *a)* Seriously difficult circumstances or absolute or moral necessities as well as advantages of great importance, may constitute just and canonical causes for asking appropriate dispensations or even some moderate and carefully defined habitual faculties from the Holy See.

Such circumstances are:

1) the care of health outside the Monastery;

2) to visit a doctor, particularly a specialist, e.g., for the eyes, teeth, radiotherapy, medical observation:

3) to accompany or visit a Nun who is ill outside;

4) to take the place of extern Sisters or persons similarly employed who are missing;

5) to look after fields, lands, buildings, or the house where the extern Sisters live;

6) to do important acts of administration or of economic management which otherwise could not be done at all or not be done properly;

7) monastic work, either apostolic or manual;

8) to take up an office in another Monastery — and the like.

b) In the use of these dispensations and faculties, the limits imposed and the precautions prescribed must be exactly observed.

25. Habitual faculties for a definite time or for a stated number of cases can be prudently granted to local or regular Ordinaries or to religious Assistants to permit brief exits from the

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cloister in necessities which occur frequently. These are always to be exercised in the name of the Holy See, and cannot be extended in any way, but must be held within their proper limits.

Ingress of Outsiders

26. a) The local Ordinary or the regular Superior if the Monastery is subject to him, or a Delegate of either of them or of the Holy See, may enter the cloister on the occasion of the canonical visitation, only" for the purpose of inspecting the building according to law (cc. 512 and 600), taking care that the Visitor be accompanied constantly from his entrance to his exit by at least one cleric or religious, who may be a *conversus,* of mature age, and that he do not remain beyond the time needed for the inspection, nor attend on that occasion to any· other business or do any other acts which have nothing to do with the visitation.

6) The visitation of persons should take place in the common parlor, the Visitor remaining outside the cloister, unless there is question of interviewing a Nun who is sick and cannot come to the parlor.

c) For exercising other functions, for example the *exploratio voluntatis* of candidates, to preside at elections, for a visitation or profession and the like, the Prelate or Delegate may not enter the cloister, but must do all these things outside.

27. *a)* The confessor of the community or, *servatis servandis,* any other priest, may with the proper precautions enter the cloister: to administer to the sick the Sacraments of Penance, the Most Holy Eucharist, and Extreme Unction; also to assist the dying, and where it is the custom, to bury the dead, in which case he may be accompanied by the servers according to the rubrics. The entrance of priests for other services is not permitted.

b) The precautions to be faithfully' observed according to the case are as follows:

For administering Holy Communion, the priest should be accompanied from his entrance to his exit by at least two Nuns. But there is nothing to prevent the whole community from accompanying the Blessed Sacrament in procession, according to existing customs.

For hearing confessions, two Nuns should accompany the priest

as far as the cell of the sick person, and after the confession is finished conduct him immediately to the exit. The same holds for Extreme Unction and assistance to the dying.

28. The preaching of the word of God is to be done at the screen of the choir or of the parlor; if this is not convenient, application should be made to the Holy See for the faculty to have the sermons in the choir itself or in the chapter room or, with the consent of the local Ordinary, in the church, to which in that case the cloister is extended, the doors of the church being kept closed during that time.

29. The following persons may enter the cloister:

a) Those, by whatever name they are called, who are actually at the time the heads of any State, even one of a Federal Union, and their wives and retinue.4

b) Cardinals of the Holy Roman Church; and these may bring with them one or two attendants, either clerical or, if they belong to the Cardinal's family, lay persons.

c) Physicians, surgeons, or other persons engaged in the care of the sick, architects, craftsmen, workmen, and other such persons whose services are necessary for the Monastery in the judgment of the Superioress, with the previous at least habitual approval of the local Ordinary. The Superioress max' obtain this approval at the beginning of each year on presenting a list of the persons to the Ordinary. In case of urgent necessity when there is not time to ask for this approval, it is rightly presumed.

30. All persons who are to be admitted frequently into the cloister must be of excellent reputation and outstanding moral character.

31. Without prejudice to Constitutions and Statutes which may prescribe stricter regulations, persons legitimately entering the cloister must, when they pass through the very house of the Community, be accompanied both coming and going by two Nuns.

32. <?) Whatever be the reason for which entrance is permitted, those who enter may not remain in the Monastery beyond the time which is really necessary for the purpose for which the permission was given.

b) None of the Nuns, except those who must do so by reason

'Code Com., 26 March, 1952; /1/15, Vol. 44, p. 496; Canon Law Digest, 3, p. 220.

of their office, should speak to persons from outside while they are in the Monastery.

33. *a)* Except as provided in the Constitution *Sponsa Christi,* it is not allowed without special permission of the Holy See to admit to the cloister girls or women to receive instruction, to try-out their vocation for a short time, or for any' other pious or apostolic purpose (Const. *Sponsa Christi,* art. IX, § 2. 1° and 2°).

b) Application must likewise be made to the Holy See for special permissions not contained in approved Statutes, in favor of extern Sisters.

34. Postulants (c. 540) may enter the cloister with only the permission of the local Ordinary.

The Custody oj the Cloister

35. It is the right and duty of the local Ordinary to watch over the custody of the cloister of all the Monasteries in his territory, even those which are subject to a regular Superior, although the latter also has this right and duty in Monasteries which are subject to him (c. 603, §§ 1 and 2).

36. Within the Monastery, however, the immediate custody of the cloister belongs to the Superioress. She must keep the keys to all the doors of the cloister with her day and night, giving them only to the Nuns who have charge of various offices when they need them; without prejudice to particular law which may make further prescriptions.

37. As regards the access of the Nuns to the parlor (time, frequency, quality of persons to be admitted, and so forth) and the manner of their presence there (the veil, a companion who can hear what is said, and the like), let them observe their own Constitutions. If these seem to require some accommodation, re-course should be made to the Holy' See.

38. Nuns (cfr. *Sponsa Christi,* General Statutes, art. I, § 1) (not Novices and Postulants) who unlawfully' go out of the major cloister contrary to the prescription of canon 601, are *ifso jacto* under excommunication simply' reserved to the Holy See (c. 2342, 3°).

39. The same penalty attaches to any person of whatever class, condition, or sex, who violates the major cloister, either by

illegitimately entering it or by illegitimately introducing or admitting others to it (c. 2342, 1°).

III. The Minor Papal Cloister

Character of the Minor Papal Cloister

40. The minor pontifical or papal cloister is outlined as follows:

1) Being truly pontifical no less than the major cloister, it protects and favors the observance and custody of public and solemn chastity and the contemplative life of the Monastery.

2) In as much, however, as it is minor, though far more severe than the cloister of Congregations (c. 604) or even of Orders of men (cc. 598-599), it affords the faculty and the convenient facility of duly and fruitfully practicing certain select works legitimately entrusted to Nuns (Instr. *Inter praeclara,* XI).

41. a) The minor cloister does not admit works of every sort, but only such as are harmoniously associated with the contemplative life of the entire Community and of the Nuns individually (Const. *Sponsa Christi,* .4.-1S, Vol. 43, p. 11).

b) These works, whether they be undertaken in virtue of the Constitutions of the institute, or by legitimate permission, or by command of the Church in view of her ever increasing necessities and the needs of souls, are to be performed in such an orderly and moderate way, according to the nature and spirit of the particular Order, as not only not to disturb or affect adversely the true contemplative life, but rather to nourish and strengthen it (Const. *Sponsa Christi,* art. IX).

c) Such works are: teaching Christian doctrine, religious instruction, the education of boys and girls, retreats and exercises for women, preparation for first Communion, works of charity in relief of the sick, the poor, and so forth.

42. a) The minor cloister must necessarily be in effect where the majority or many of the Nuns and a notable part of the Monastery are habitually given to works of the apostolate (General Statutes, art. IV, §3, 2°).

b) On the other hand, if only a few Nuns are assigned to these works and if the works are confined or can practically and prudently be confined to narrow limits in the Monastery.

then the major cloister may be retained according to the judgment of the Holy See, with the requisite faculties and dispensations as mentioned above (n. 9).

The Division oj the Monastery

43. To begin with, the buildings of the Monastery which because of the works to be done are subject to minor cloister, should be divided into two parts, one of which is reserved to the Nuns and the other given over to the apostolic works (Instr. *Inter praeclara,* XI, 5°).

44. a) In the part which is reserved to the Nuns after the manner of the major cloister, should be: the cells, the choir, the chapter room and so forth, the refectory, the kitchen, places for recreation, walking, and community work, and that side oi the parlors to which all the Nuns have access.

b) In this part of the house there should not be: the places inhabited by the extern Sisters, the rooms and places destined for guests; nor the church with its sacristy and annexes, except as provided in n. 12.

45. *a)* The other part of the Monastery is reserved for the apostolic works or ministries which are done by the Monastery itself. Hence this part of the building is equally open to those Religious who are legitimately engaged in the works and ministries and to other persons who direct the apostolate.

b) The church and public oratory, with the places annexed to them and the others mentioned in n. 12, ȯ), should not be within, but as a rule outside this latter part of the Monastery.

In the church and the places annexed to it, exception may' be made for the halls or rooms which are legitimately reserved for the works of the apostolate. Even the entire church, usually open to all the faithful, may, in case of urgent necessity with the consent of the local Ordinary, be counted among the places assigned to the works, during the time that the Nuns are obliged to exercise their proper ministries there, provided the following prescriptions are faithfully observed and prudent precautions are taken.

46. fl) There must not be places which are reserved alternately, now for the Community, now for the works of the apostolate.

6) However, the local Ordinary can for reasonable cause per-

mit, either by way of act or for a definite time, that some places which are habitually destined for works be given over to the Community; and in such case during that time those places are subject to all the regulations and prescriptions mentioned above for the part of the Monastery which is habitually reserved to the Community.

47. Also as regards the part of the Monastery which is reserved for works, the view in and out must be precluded. If this cannot be done with the same completeness as for the part of the Monastery reserved to the Nuns, the Ordinary should provide prudently and carefully.

48. *a)* The division between the two parts of the Monastery shall be precisely defined and openly indicated, so as to be dearly known to all.

O The doors which close the part of the Monastery which is reserved to the Nuns (n. 49. a) are subject to all the prescriptions established for the doors of the major cloister.

c) If the entire Monastery has only one door on the public street, to admit outsiders, there must moreover be an inside door properly guarded through which the persons to be admitted are led to the place of the works.

49. The passage of the Nuns from the part which is for the Community to the part which is for the works:

a) Must be always directly through a special door.

b) It is permitted only at the times lawfully designated and only to those Nuns who are assigned to the works by the Superioress, either by way of act or habitually according to the Constitutions or Statutes. Among these should be included the Superioress herself or a Nun designated by her, even for the sole purpose of exercising vigilance.

c) For the Nuns who are legitimately engaged in the place of the works, special parlors should be provided there, not necessarily equipped with screens, but with proper safeguards, where they may speak with outsiders in regard only to the works.

Egress of the Nuns

50. *a)* The minor cloister entails a grave prohibition, for all and each of those subject to it, from going outside the limits of the Monastery, just as the major cloister does for Nuns and

other persons who are bound by it (Instr. *Inter praeclara,* XII, 2°).

b) Dispensations from this grave prescription can be given for reasons of the apostolate, if really necessary, only to those Nuns and members who are legitimately engaged in ministries as above explained (n. 49).

c) Permission to go out for the reasons acknowledged herein (n. 51) or in the Constitutions, for as long as such reasons certainly exist, can be granted by the Superioress upon her responsibility in conscience. In other cases not expressly mentioned in the law, even though they could clearly be considered as equivalent because of the similarity of the reasons, recourse should be made to the local Ordinary, so that he, after considering the matter before God, may grant the permission and, if he thinks well, leave the matter in future to the Superioress.

r/) Both the local Ordinary and the regular Superior, to whom the protection of the cloister is entrusted (c. 603), have a strict obligation in conscience to watch carefully over the observance of these regulations.

51. The causes from which the required necessity from the standpoint of the works may be estimated so that a just dispensation may be given for going out (n. 50, c), fall under the following three heads:

a) For the sake oj the work itself, which actually requires the going out so that it may be properly done, as for example if girls must necessarily be accompanied out of the cloister because of studies, health, or recreation, and there are not available teachers, oblates. or other persons who can do this.

b) For the sake oj preparation jor the works, namely: to acquire knowledge, culture, degrees, acknowledgements of competency, and so to attend schools, academies, universities, conferences, and congresses, as may seem necessary. In case any of these institutions are so permeated with an anticlerical and profane spirit as to create imminent danger for religious virtue or give rise to the possibility of scandal from their attendance, the local Ordinary should always be consulted in advance. In all cases the Instructions issued by the Holy See must be observed.

c) *By reason oj business,* procedures, or questions concerning

the works, which cannot be safely or conveniently transacted and finished by other persons through ecclesiastical or civil authorities or public or private offices.

Ingress oj Outsiders

52. The laws concerning entrance into major cloister apply equally to Monasteries of minor cloister as regards the part reserved to the Nuns (Instr. *Inter praeclara,* XII, and above, n. 26 srç.).

53. *a)* Women and girls or boys for whom the works are intended may enter that part of the Monastery which is assigned to those works, and may stay there day and night, according to the nature of the works.

b) 'I'he same holds for women who may be needed for the works, such as teachers, nurses, maids, working women.

54. a) By way of act or transiently, other persons may be admitted who have some special relationship with those for whom the works are conducted, e.g., parents, relatives, or benefactors who accompany the girls or boys or who wish to visit them; the persons mentioned, or others when it is called for or appropriate according to the nature of the work and the customs of the place, may be invited to certain festivities or demonstrations of a religious or scholastic nature.

b) All this should be appropriately defined in the legitimately approved Statutes or Ordinances.

55. All persons who have by ecclesiastical law or civil ordinance a legitimate right of inspection of any sort, should be admitted.

56. Into the part destined for works, no less than in that reserved to the Nuns (c. 600. 4°), as is reasonable, the physician, workmen, and the like, may in case of necessity be admitted with the permission, even habitual, of the local Ordinary (n. 29' c).

57. The permission of the local Ordinary is required and sufficient for other cases of necessity or real utility which are not provided for above (nn. 54 56, *a)* or in the Statutes of the works concerned.

58. Saving all the prescriptions concerning major cloister as

to the part reserved to the Nuns, also as regards the less severe cloister which affects the part destined for works, the local Ordinary, and in a proper case the regular Superior, as well as the one who exercises authority over a Federation, have the right and duty to keep a strict vigilance and if need be to prescribe appropriate safeguards, in addition to those which are contained in the Statutes, for the custody and protection of the cloister.

The Custody oj the Cloister

59. *a)* The immediate custody of this cloister is entrusted to the Superioress.

b) She is to keep the keys for passage from one part of the Monastery to the other, or prudently entrust them to the Nuns who are assigned to the works.

c) She should not give the keys of other doors in the house devoted to works, except to persons who are altogether reliable.

60. Nuns who illegitimately go out of the precincts of the Monastery incur *ipso jacto* an excommunication simply reserved to the Holy See according to canon 2342, 3°. or, by express grant of the Holy See, reserved to the local Ordinary (Instr. *Inter praeclara,* XV, 1°).

61. *a)* "Nuns who illicitly leave the parts of the Monastery reserved to the Community and go to other places within the precincts of the Monastery, are to be punished by the Superioress or by the local Ordinary, according to the gravity of their fault" *(ibid.,* 2°).

b) The transit is illegitimate whenever it is made without the permission, at least habitual or reasonably presumed, of the Superioress.

62. "Those who illicitly enter the parts of the Monastery reserved to the Community and those who bring them in or allow them to enter, incur an excommunication reserved simply to the Holy See" *(ibid.,* 3°).

63. "Those who illegitimately enter the parts of the Monastery not reserved to the Community, as well as those who brins them in or permit them to enter, are to be severely punished according to the gravity of the fault by the Ordinary of the place where the Monastery is situated" *(ibid.,* 4°).

IV. Papal Cloister and Federations

64. The Statutes of Federations can make such regulations regarding the major or minor cloister of Federated Monasteries as are considered necessary to attain the ends of the Federation.

65. As to government, the faculty may be given to go out oi one's own Monastery and go into another: for the purpose of assembling the Chapter, the Council, or some other such gathering; of timely visitations to be made by the Authority which governs the Federation or by its delegates; of summoning or. with all necessary observances, transferring the Superioress or another Nun.

66. In order to promote fraternal collaboration among the Monasteries, the same faculty may be decreed: for the purpose of assuming in another Monastery an office which has been conferred by election or appointment; of affording aid of any kind to another Monastery or of relieving its necessities; or even for the private benefit of some individual Nun, but within the limits prescribed in the Statutes.

67. For the better formation of the Nuns, when common houses have been established for this purpose, the faculty, to be clearly defined in the Statutes, may be given for Nuns who are legitimately assigned to such houses or recalled from them, to go there, to remain, and to return.

68. *a)* The Statutes may make some provisions to secure a uniform observance of the cloister in the Monasteries of a Federation.

b) For this same purpose, and always without prejudice to the rights of local Ordinaries and regular Superiors, also special interventions of religious Assistants or of the Superioresses of Federations may be provided for as regards petitions which may have to be presented to the Holy See concerning the cloister, e.g., for extraordinary journeys, long absences from the Monastery', and the like.

69. With regard to the Monasteries of a Federation which engage in apostolic works and are subject to the common minor cloister, the Statutes may decree: what works can be undertaken, what persons may be admitted to the place of the works habitually or transiently, for what reasons and with what conditions and safeguards.

V. The Establishment of Papal Cloister

70. *a)* All Monasteries of Nuns must observe the pontifical or papal cloister either major or minor, according to the regulations above stated.

b) For Monasteries of Nuns which, though they profess exclusively the contemplative life, nevertheless engage legitimately in works of the apostolate in the manner above described (n. 41, *a),* unless provision has already been made by the Holy See itself since the issuance of the Apostolic Constitution, *Sponu Christi,*5 it shall pertain to the local Ordinary, together with the regular Superior if the Monastery is subject to him, to introduce the minor papal cloister.

c) In doubtful cases the matter should be referred to tht Holy See.

d) In future, in order to change from the major to the minor papal cloister for the reasons stated above (n. 41), applications must always be made to the Holy See.

71. It pertains to the local Ordinary when the minor papal cloister is introduced, to prescribe the limits of the cloister (c 597, § 3) and to recognize and approve the assignment of the places of the Monastery to the Community or to the works respectively, and the necessary separation between them.

72. If special difficulties, temporary or habitual, stand in the way of the establishment of the pontifical or papal cloister, the matter should be referred to the Holy See with a faithful statement of the circumstances.

73. a) Statutes, Induits, Privileges, and Dispensations in virtue of which certain Monasteries, while keeping the juridical status of Nuns, were exempted from the pontifical or papal cloister, are revoked."

Therefore the so-called "episcopal" cloister cannot in future be recognized for Nuns.

b) But special Statutes by which the minor papal cloister is more precisely regulated and adapted for Orders of Nuns which

3.4.4S, Vol. 43, p. 5; Canon Law Digest, 3, p. 221.

e Cf -4.4S, Vol. 43, p. 12; Canon Law Digest, 3, p. 229; and reply of the Code Commission, 1 March. 1921, .4.45, Vol 13, p. 178; Canon Law Digest, 1, p. 306.

are dedicated to works of the apostolate by their Institute, remain unchanged.

All things to the contrary notwithstanding.

Given at Rome, the 25th day of March, 1956.

AAS 48-512; S. C. Rel., Instruction, 25 March, 1956.

Note: This is the unofficial English version authorized by the Sacred Congregation of Religious.

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CANON 606

Dispersed Religious Considered as Legitimately Absent

(S. C. Rel., *Monitum,* 10 July, 1955) AAS 47-519.

A *Monitum* of the Sacred Congregation of Religious, addressed to "the members of religious Institutes in Europe, who are forced to live outside their houses," is as follows:

This Sacred Congregation, as far as circumstances permit, has always a special solicitude for religious men. especially priests, and for religious women, who in certain parts of Europe are living under very difficult conditions.

23

Knowing the inconveniences and annoyances which they have to suffer in their daily life, this Sacred Congregation wishes to express its sympathy for these persons who are consecrated to God. and to encourage and strengthen them to persevere in the holy vocation by which they are attached to His service.

4'!

Accordingly, these religious men and women — and there are not a few — who because of the conditions of the times arc obliged against their will to live outside the religious house and to do their work under very unfavorable conditions, will surely be consoled to learn that the Church considers them, not as members separated from their Institute or excloistered, but only as legitimately absent from the religious house.

Let such religious men and women, therefore, remember that in virtue of this legitimate absence they enjoy all the rights and privileges which they acquired by their religious profession; and that in like manner they arc bound by their holy vows and obliged by their rules in as far as these can be reconciled to their actual state and can be observed by them without grave inconvenience.

The Church, no less than these religious themselves, ardently hopes that they may be able to return to the practice of the

common life and to the due exercise of the sacred ministry; and on behalf of these her children who have so much to suffer, she prays for peace and tranquility.

It is their responsibility, so far as may be possible in the circumstances of the times, to keep in communication with their own Institute and to show a filial subjection to the local Ordinaries.

Let them freely approach their Superiors and Bishops whenever they have an opportunity, and expose to them their difficulties and needs, trusting that they will help them as far as is possible.

This Sacred Congregation will be most grateful to Their Excellencies the local Ordinaries if in their apostolic solicitude and in response to the dictates of their conscience in so grave a situation, they present themselves to these religious, both men and women, and give them special care, especially if they are unable to go to their own Superiors.

This union of spirit, this mutual trust and Christian priestly benevolence will do much to relieve the trials with which religious are now afflicted. At the same time it will contribute not a little to give the sufferers the necessary courage to be faithful in keeping their religious vows and to continue constantly to offer themselves as victims to God. This consecration of life is the principal element of the religious state, never to be hindered by any temporal vicissitudes; and it wins for the universal Church immense treasures of heavenly gifts.

Rome, 10 July, 1955.

AAS 47-519; S. C. Rel., *Monitum,* 10 July, 1955.

CANON 638

Definite Acceptance of Induit of Secularization (S. C. Rel 19 April, 1951) Private.

Facts. A certain religious woman, having received the induit of secularization, at first refused to accept it formally. Later she declared that she wished to go back to the world; she left the religious house, laid aside the habit, accepted the return of her dowry; a suitable means of livelihood had been provided for her. But on arriving at the railroad station she changed her mind and wished to return to the religious house. She called the Superioress by telephone and spoke with her expressing this desire; but the

Superioress refused to take her back. The Sacred Congregation of Religious, to which recourse was then taken, replied as follows:

Reply: *In Congressu,* 19 April, 1951. This matter having again been discussed in the *Congressus,* it was unanimously decided that the dispensation had been accepted according to law, and hence that according to law the lady in question is no longer a religious and cannot be admitted in religion (canons 542, 1°; 640, § 2).

(Private); S. C. Rel., Reply, 19 April, 1951, Prot. N. 7922/50; reported, with commentary by Gutiérrez, in *Commentarium pro Religiosis,* 32-196.

Definite Acceptance Given Orally Held Sufficient (S. C. Rel., 17 Nov., 1951) Private.

Facts. A religious woman asked for an induit of secularization and received it; she was summoned to the Curia and the induit was read to her by the Vicar General before a Notary. She replied that she accepted the induit, stating that she had already laid aside the religious habit. She was then asked to sign the induit to signify her acceptance, but this she refused to do. Upon recourse to the S. C. of Religious, the decision was:

Reply: Nov. 17, 1951. The Sister in question is to be considered as secularized according to law from the day when the induit of secularization which she had asked for was communicated to her in the Curia and she signified *orally* that she accepted it (Prot. N. 3532/51).

(Private); S. C. Re)., 17 Nov., 1951. Reported in *Commentarium pro Religiosis,* 32-197.

Induit of Secularization Expires If Not Accepted Within Ten Days: New Formula (S. C. Rel., 1953) Private.

In granting an induit of secularization to religious *who arc not priests,* the S. C. of Religious has introduced a change in its practice. Formerly, that is, from September or October of 1951 until 1953, the following clause was placed on the reverse side of the Rescript (where the tax is indicated and the execution of the Rescript is to be noted): "Praesens rescriptum acceptari vel reiici debet intra decem dies a communicatione exsecutionis. Quod si Orator (Oratrix) intra decem dies a communicatione exsecutionis imploratam dispensationem expresse non recusaverit, praesumitur rescriptum acceptasse."

In place of this clause, the practice was begun about 1953 o: inserting in the body of the Rescript the following clause: "Post decern dies a recepta communicatione decreti exsecutorialis α parte Oratoris (Oratricis), praesens rescriptum, si non fuerit acceptatum, nullius roboris esto."

(Private); S. C. Rel., 1953. Practice explained by Gutierrez in Comiwi· *tarium pro Religiosis,* 32-189.

Secularization: Acceptance of the Induit. The practice of the S. C. r Religious in this matter is explained by Gutierrez in *Commentarium }r: Religions,* 32 -186, and illustrated by several private replies of the Sacred Congregation. These replies are reported in this volume under canon 631 The article is a semi-official and authoritative statement of the practice of the Sacred Congregation, summarizing one of the lectures given by Father Larraona and his aides in the Practical School of Canon Law io: Religious, conducted by the same Sacred Congregation.

CANON 639

Qualified Exclaustration for Priest Religious Who Asks for Reduction to the Lay State (S. C. of Religious, Formula, 1954) Private.

The Sacred Congregation of Religious, upon adopting the practice represented by the following formula about the year 1954. allowed the formula itself to become known for the benefit oi religious Superiors and others who might be interested. We present the formula of both petition and rescript in the original Latin, with an English version in the footnote.

BEATISSIME PATER:

N.N., Sacerdos professus in (tali Congregatione vel Ordine),ad pedes Sanctitatis Vestrae provolutus, humiliter implorat reductionem ad statum laicalem, cum solutione a votis ceterisquc oneribus sacris Ordinibus adnexis, salva tamen manente lege sacri Coelibatus, cum omnino imparem se sentiat ad onera vitae religiosae et sacerdotalis sustinenda.

Et Deus,

Haec Sacra Congregatio, attentis instantibus Oratoris precibus omnibusque quae allegata fuerunt in Domino semel iterumque ponderatis, antequam laicizationem sine spe readmissionis definitive imponat, Rev.mo P. (Praeposito Generali) benigne com-

miltit ut. pro suo arbitrio et conscientia, absolutis censuris poenisque remissis, in quas Orator forte incursus sit, *exclaustrationcm qualificatavi* ad annum sub his legibus concedat:

1. Praeter normas exclaustrationis communes in can. 639 statutas, Orator illico dimittat habitum etiam ecclesiasticum, quam dimissionem prohibitio ac privatio omnium ministeriorum ecclesiasticorum subsequetur atque privilegiorum et obligationum clericalium suspensio, *salva tamen semper lege sacri Coelibatus.*

2. Exclaustratione perdurante, Orator in usu ac receptione Sacramentorum laicis assimilatur.

3. Sub disciplina et adsistentia Exc.mi Ordinarii ac Religionis Orator remaneat, ut efficaciter et opportune, impositis etiam ipsi piis precibus, ad honestam et dignam rationem vivendi et crisim superandam adiuvari et caritative manuduci valeat.

4. Superiori in exeundo scriptam tradat declarationem se sibimetipsi sine onere Religionis provisurum in saeculo.

5. Transacto indulti tempore, ad hanc Sacram Congregationem recurrendum est, ut Oratori convenienter in Domino provideri possit.

Contrariis quibuslibet minime obstantibus.

(Private); S. C. Rel., Formula, I954.l

:MOST HOLY FATHER:

N.N., priest professed in (such a Congregation or Order), prostrate at the feet of Your Holiness, humbly asks for reduction to the lay state, with release from his vows and from the other obligations attached to sacred Orders, but without prejudice to the obligation of sacred Celibacy, for the reason that he feels completely incapable of fulfilling the obligations of the religious and priestly life.

And may God,

This Sacred Congregation, in consideration of the earnest prayer of the Petitioner, and after having more than once pondered before God all the allegations adduced, before imposing laicization definitively without hope of readmission to the clerical state, graciously commits to the Very Reverend Father (usually the Superior General of the Institute) the authority, according to his judgment and conscience, after having absolved the Petitioner from his censures and remitted his penalties, to grant him *qualified exclausIralion* for one year, on the following terms:

1. Besides observing the common norms of exclaustration laid down in canon 639, the Petitioner must immediately lay aside also the ecclesiastical dress, and this laying aside will have as a consequence the prohibition and privation of all ecclesiastical ministries and the suspension of all the privileges and obligations of clerics, *always however without prejudice to lke law of sacred Celibacy.*

Qualified Exclaustration: Practice of the Sacred Congregation (S. C. Rel., 1955) Private.

The practice of the Sacred Congregation of Religious in regard to this new form of exclaustration, known as *exclaustratio qualificata,* is explained by Gutierrez in *Commentarium pro Religiosii,* Volume 34 (1955), pp. 374-379.

The *formula of* the petition and rescript are given precisely as reported above in this volume under this same canon 639.

Qualified exclaustration is a provisional remedy granted as a favor but only in proper cases and after thorough investigation, to religious priests who ask for reduction to the lay state. Sometimes the definite abandonment of the priesthood can be prevented by this means. The causes for granting it are usually temporary, or at least such as it may be hoped will pass away with time: a grave crisis of faith; decided incapacity to live the religious and priestly life due to tedium, discouragement, ill-health; psychic depression, perhaps with danger of public scandal, apostasy, or suicide; notable bad example through obstinate abstention from Mass and the Sacraments; an invincible repugnance for the priestly ministry, and the like.

It is a true *exclaustration* and has much in common with the usual exclaustration described in canon 639: namely, it is reserved to the Holy See; it is temporary (for one or two years); the priest remains a member of the Institute, and continues to enjoy its purely spiritual privileges, but his active and passive voice and other rights as a religious are suspended; he must lay aside the religious dress; he is under the jurisdiction of the local Ordinary. The institute is not bound in justice to provide

2. During the exclaustration the Petitioner is treated as a layman in the use and reception of the Sacraments.

3. The Petitioner remains under the authority and assistance of the Most Excellent Ordinary and of his Institute, so that he may be effectively and appropriately helped and charitably led, also through pious prayers which may be imposed upon him, to an honest and worthy way of life and to overcome his crisis.

4. When he leaves the Institute he is to give to the Superior a written declaraüon that he will provide for himself in the world, without any burden upon the Institute.

5. When the time of the induit has expired, recourse is to be made to this Sacred Congregation, so that appropriate provision in the Lord may be made for the Petitioner.

All things to the contrary notwithstanding.

for him, but special circumstances may create an obligation in charity, and in such case number 4 of the formula of the rescript may be omitted.

It is, however, a *qualified* exclaustration, and as such differs in several respects from the ordinary exclaustration.

The Nature of the Induit. It is an induit but not a pure favor; it has consequences which are independent of the will of the subject or of the executor of the rescript. Some of these are in the nature of privations.

Consequences for the Subject as a Religious.

The *religious vows* are suspended, but the law of celibacy remains binding.

.Xs regards *poverty,* the subject can, as long as the induit remains in effect, acquire property and freely provide for himself. Superiors, however, must exercise some vigilance to see that he does nothing which would be prejudicial to the Institute should he afterward return, for example contracting debts.

As to *obedience,* since the vow is suspended, he is not subject to the local Ordinary in virtue of the vow, but he "remains under the authority and assistance of the Most Reverend Ordinary and of his Institute" (rescript formula, n. 3).

The *common life* may not be freely resumed by the subject as in a common exclaustration; he is rather, in this respect, in the same position as one who is *exclaustratus ad nutum Sanctae Sedis,* except that Superiors *may permit* him to come back, subject to the privations which the induit imposes (see below).

Consequences for the Subject as a Priest.

He is bound, not merely' permitted, to lay aside the *clerical dress.*

He loses the right to exercise *any priestly or clerical ministry* or function, such as preaching, saying Mass, or administering the Sacraments.

He is deprived of the *rights and privileges of clerics.*

He is dispensed from all *priestly obligations* except celibacy.

In the *reception of the Sacraments,* he is treated as a layman.

Cessation of the Induit.

When the time for which the induit was given has expired, the subject must return to his Institute; but until further provision is made he remains subject to the privations which the induit imposes.

Before the expiration of the time, the induit may be revoked by the Sacred Congregation either at the request of the subject or *ex officio*. Superiors have no power to revoke it.

Reduction to the lay state may be granted definitively by a new induit of the Sacred Congregation, or it may be imposed as a penalty in case of grave scandal. In both cases, the exclaustration comes to an end.

If the subject can find a Bishop willing to receive him io accordance with canon 641, he may obtain an induit of secularization and be restored to his ministries as a priest.

(Private); S. C. Rel., practice since October, 1953, outlined by Gutiérrei in *Commentarium pro Religiosis,* 1955, pp. 374-379.

Exclaustratio ad Nutam Sanctae Sedis: The practice of the S. C o! Religious in this matter is explained by Gutierrez in *Commentarium ft Religiosis,* 32–336. This exclaustration differs from that mentioned is canons 638, 639, etc., in that it is not asked for by the subject but *imposed by the Holy See* — not strictly as a penalty, however, even though the causes leading up to it may have been culpable, but for the good of the Institute and sometimes also of the individual. Its duration is indefinite, yet not strictly perpetual. It does not cease by the mtrc cessation of the causes for which it was imposed, but a new decree of the Sacred Congregation revoking it is required. If the subject is a priest and finds no Bishop who will accept him, he may be permitted to say Mass only in a definite pious or religious house whose Superior is willin? to assume some responsibility for him. If not even this can be assured, the Holy Sec will usually not impose *exclaustratio ad nutum.* When it does so through necessity in exceptional cases, the subject is suspended (not penally) from the exercise of any order or sacred ministry. As to obedience, he remains subject to his own Superiors.

CANON 641

Formula for Exclaustration and Eventual Secularization of Religious Priest Who Is Accepted in a Diocese by Way of Trial (S. C. Rel., 1953) Private.

The formula in use by the S. C. of Religious (1953) for the exclaustration of a religious priest who has been accepted *by* way *of trial* for a diocese, is as follows:

The Petition: Beatissime Pater: N.N., ad pedes Sanctitatis Vestrae provolutus, humiliter implorat indultum saecularizationis,

praevio experimento aci nonnam canonis 641, § 2, ob causas Sacrae Congregationi de Religiosis allatas.

Et Deus, etc.

The Rescript: Vigore facultatum a SS.mo Domino Nostro concessarum, Sacra Congregatio Negotiis Religiosorum Sodalium praeposita, audito voto (Rev.mi Procuratoris Generalis) et attentis litteris testimonialibus Ordinarii------, eidem Ordinario benigne commisit ut, pro suo arbitrio et conscientia, Oratori concedat indultum exclaustrationis, durante experimenti tempore, deposita exteriore forma habitus religiosi et servatis ceteris servandis ad normam canonis 639 Codicis luris Canonici. Si forte, perdurante experimento, ab Ordinario, praemonitis Superioribus------dimittatur, statim ad clausura redire teneatur. Transacto vero praefato experimenti tempore, vel etiam prius si definitive recipiatur, Orator, novo titulo canonico vel, ipsius Ordinarii iudicio alio modo, congrua sustentatione provisus, maneat saecularizatus. ideoque liberatus a votis in religione emissis, firmis oneribus Ordini maiori adnexis, ac ipso facto incardinatus------(Dioecesi-------) ad nonnam canonum 640, § 1, nn. 1, 2 et 642 Codicis luris Canonici. Decretum autem exsecutoriale huius Rescripti communicetur cum hac Sacra Congregatione et cum Superiore Generali------

Contrariis quibuslibet non obstantibus.

Datum Romae, die------19—

(Private); S. C. Rel., 1953; reported and explained by Gutierrez in *Commentarium pro Religiosis,* 32-190.

Note: At times (if a Bishop has accepted the priest absolutely according to canon 641, §2), the induit of secularization is given immediately and its execution is committed to the Ordinary. No particular time limit for its acceptance is specified, as is done in the induit of secularization of religious who are not priests.

CANON 650

Dismissal From Religion: Of priest who has perpetual vows and who finds no Bishop who will receive him. Under the heading, *"Ex lurisfrudentia S. C. de Religiosis,"* the practice of the S. C. of Religious is explained by Gutierrez in *Commentarium pro Religiosis,* 32-261. The practice is as follows: in confirming the decree of dismissal as provided by canon 650, § 2, 2°, the S. C. inserts in the rescript a clause obliging the Institute to provide for the dismissed priest until he finds a Bishop

(even though, by exception to canon 669, § 1, the vows have been dispensed).

CANON 683

Altar Boys: The S. C. of Rites, on 16 Dec., 1953, replied in the negative to a question proposed by the Archiépiscopal Delegate for Altar Boys u the Archdiocese of Naples, asking whether, in sacred functions, altar boys may wear gloves in addition to the prescribed cassock and surplice. Reported by Mattei in *Monitor Ecclesiasticus,* 1954, p. 242 (Prot. N 55/953).

CANON 684

Apostleship of Prayer: Pius XII, Allocution, 27 Sept., 1956 (AAS 4S-6'4
"Apostles of Infinite Love": Dissolved and forbidden. Sec c. 211; AAS 49-34.
Catholic Action: Allocutions to young men of Italy. Pius XII, 4 Nov, 1953 (AAS 45-790) and 4 Nov., 1953 (AAS 45-792).
Allocution to priests deputed for Catholic Action work. Pius XII, 9 Sept., 1953 (AAS 45-607).
Radio message to members of Catholic Action in Italy. Pius XII. 8 Dec., 1953 (AAS 45-848).
Lay Apostolate: Allocution to World Congress in Rome, Pius XII, 5 Oct. 1957 (AAS 49-822). *The Catholic Mind,* 56 (1958)-74.
The Pius XII Foundation for the Apostolate of the Laity, established, and its Statutes promulgated. Secretariate of State, 28 Oct., 1953 (AAS 45-821).
Sodality of Our Lady: Allocution to the delegates to the first meeting of the World Federation of the Sodalities of Our Lady, in Rome. Pius XII. 8 Sept., 1954 (AAS 46-529). English text, *The Pope Speaks,* 1 (1954)285
World Federation Statutes approved. Pius XII, Letter to Father Louis Paulusscn, S.J., President of the International Secretariate of the Sodality of Our Lady, 2 July, 1953 (AAS 45-494). English text, *The Catholic Mind,* 52 (1954)-55.

CANON 711

Local Ordinaries May Establish a Pious Union of Christian Doctrine Instead of the Confraternity of Christian Doctrine (Code Com., 12 Oct., 1955) Private.

By order of the General of the Society of Jesus, the Procurator General of the Society presented the following question to the Code Commission:

Question: Whether, in virtue of canon 711, §2, local Ordinaries are strictly obliged to erect in every parish the Confra-

ternity of Christian Doctrine, or whether they may, according to special circumstances, establish in its stead a Pious Union or Sodality oi Christian Doctrine.

Reply: In the negative to the first part; in the affirmative to the second.

(Private); Code Com., 12 Oct., 1955 (Prot. 1/55). From the original authentic document. Cf. *Periodica,* 44-449.

CANON 720

Primary Pious Union: The "Guard of Honor of the Most Sacred and Immaculate Heart of the Blessed Virgin Mary," a pious union estab-lishcd in Munich, is erected into a primary pious union, and its Statutes arc approved. Pius XII, Ap. Letter, 7 Dec., 1951 (AAS 46-363).

BOOK III

THINGS

Canons 726 - 1551

BOOK III

THINGS

Canons 726 - 1551

CANON 733

Use of English in Conferring Baptism, Extreme Unction, Matrimony, and in Funeral Services (S. C. Rit., 3 Jane, 1954) Private.

His Excellency the Most Reverend Karl Joseph Alter. Archbishop of Cincinnati, in the name and with the authority of all the Archbishops and Bishops of the United States of America, has earnestly petitioned His Holiness Pope Pius XII, that by his supreme authority he graciously deign to permit, in the administration of some of the Sacraments, namely, Baptism. Extreme Unction, and Matrimony, as well as in the funeral rites for the dead, the use of the English language in certain prayers, according to the copy drafted by a special liturgical commission, in which for the understanding and piety of the people, those rites and prayers that seemed more suitable are set down in the vernacular, namely, English. This collection of rites, arranged as in the Appendix of the Roman Ritual, he reverently submitted for approval to the judgment of the Sacred Congregation of Rites.

Whereupon the Sacred Congregation of Rites, using the special faculties given it by the Holy Father himself, having given diligent study to the Ritual submitted, taking contemporary circumstances into consideration, has graciously granted that:

1. A new Ritual may be drawn up for the United States of America, in which the Latin text is given in full, and an English translation of the portions permitted is placed alongside the Latin text.

2. In conferring the Sacraments, the priest may use the vernacular in so far as is necessary for the understanding and piety of the people, only as follows:

a) In administering Baptism to infants, the exorcisms, all the formulas of anointing and blessing, and also the actual words of Baptism shall be given only in the Latin text and furthermore shall be spoken always and only in that language.

b) In administering Baptism to adults, besides what is specified above, the psalms and other initial prayers shall be printed and recited only in Latin.

c) In administering the Sacrament of Extreme Unction, only the Latin language shall be used in the prayer of the imposition of hands over the sick person, in the words of anointing and in the prayers that follow.

d) In the celebration of Matrimony, the priest may use the English language for everything except the blessing of the ring and the formula "Ego coniungo vos . . ." ("I unite you . . ."). In the Nuptial Blessing outside of Mass, given by apostolic indult when Mass is not celebrated, the prayers in the Roman Ritual may be recited in English.

e) In funeral rites for the deceased faithful, the prayers and absolutions should be performed only in Latin. But nothing forbids that, once this rite has been completed, other prayers be added in the vernacular, as may befit the time and place. These prayers are to be determined by the Ordinaries and recited by the priest himself.

Anything to the contrary, even though worthy of special mention, in no way withstanding, and everything else being observed that should be observed.

There is enjoined further the obligation of forwarding to the Sacred Congregation of Rites two copies of the aforementioned Ritual after it has been published.

Given at Rome, June 3 of the Marian Year 1954.

(Private); S. C. Rit., 3 June, 1954; text taken from *The Catholic MM* 1954, p. 701. The original Latin text (Prot. N. D. 18/954) is published is

the collection of liturgical prayers in Latin and English, which was issued in pursuance of this Rescript, *Collectio Rituum,* Bruce, Milwaukee, 1954.

Baptism: Text of ritual in vernacular (Italian). S. C. Rit., 2 Feb., 1953 (AAS 45-195).

CANON 737

Baptism Invalid for Feigned Intention. See c. 1070; Rota, 12 Dec., 1954

CANON 782

Maternity Hospitals and Orphanages: Confirmation of Children in Danger of Death (S. C. Sacr., 18 Nov., 1948) Private.

A Rescript of the S. C. of the Sacraments (N. 5869/48):

The Archbishops and Bishops of the United States of North America, prostrate at the feet of Your Holiness, humbly ask a derogation from the Decree, *Spiritus Sancti munera,* issued by the S. C. of the Sacraments on the 14th of September, 1946,[1] so that, in the so-called maternity hospitals for parturient women and in the orphanages of their dioceses, the sacrament of Confirmation may be validly and licitly administered by the Chaplains of those institutions to the children who are received there and who are in the circumstances mentioned in the said Decree.

In the Audience of 25 October, 1948, His Holiness Pius XII, upon receiving a report on this matter from the undersigned Pro-Prefect of this Sacred Congregation, graciously deigned to grant the petition, on condition however that the sacrament of Confirmation, in the circumstances mentioned in the said Decree, be administered to the children in question by the Chaplain who is *regularly* assigned to the institutions mentioned, and in case more than one Chaplain is so assigned to the same institution, that it be done by the first Chaplain, to the complete exclusion of the others.

The Chaplain, however, may use this faculty only if the Bishop of the Diocese cannot be had or is prevented from administering Confirmation himself, and if there is no other Bishop, even a merely titular one, in communion with the Apostolic See, who

[1] AAS, 38, p. 349; Canon Law Digest, 3, p. 303.

could without grave inconvenience take his place. Likewise, if the pastor of the place, in the same circumstances, cannot be had or is prevented from administering this sacrament himself. In the absence of the Chaplain, or in case it is impossible for him to confirm personally, no one else, other than the Bishop or local pastor, can validly administer this sacrament. Observing, for the rest, the terms and clauses of the said Decree. All things to the contrary notwithstanding.

The present grant to be in effect for *one year* from the date of this Rescript.

(Private); S. C. Sacr., 18 Nov., 1948 (N. 5869/48); *The Jurist,* 1949, p. 261; published with the permission of His Excellency, the Most Reverend Apostolic Delegate.

Note: This Rescript was renewed for one year on 6 Feb., 1950, by the same Sacred Congregation (N. 9219/49). Cf. *The Jurist,* 1950, p 214. It was renewed again for *three years* by Rescript N. 453/51, pursuant to the Audience of 22 Jan., 1951, with an *"Advertatur"* by the S. C. in these terms: "Ordinaries are to see to it that the renewal of the induit be applied for on time: otherwise, if Confirmation was administered in the interval between the expiration of the induit and its renewal, the sacrament would be invalid." Cf. *The Jurist,* 1951. pp. 312, 313. It was renewed again for another period of three years, by the same S. C., on 21 Jan., 1954. Cf. *The Jurist,* 1954, p. 20S, note 26. This faculty was again renewed on 19 Dec., 1956 (N. 6872/56' for three years to be computed from the *date of renewal.*

The whole matter of the extraordinary minister of Confirmation is treated in an article under that title by the Very Reverend Joseph A. M. Quigley, in *The Jurist,* 14(1954)194.

Confirmation in Danger of Death: Missionaries of Emigrants Have Power (S. C. Consist., 7 Oct., 1953) AAS 45-758.

A Declaration by the Sacred Consistorial Congregation:

To prevent doubts regarding the duties of Missionaries of Emigrants, which are treated of in Chapter IV of the Apostolic Constitution, *Exsul Familia,*[1] and to set up a uniform method of action, the Sacred Consistorial Congregation declares:

[1] AAS 44-649; Canon Law Digest, 3, p 93.

I. *Concerning the Administration oj the Sacrament of Confirmation*[2]

Missionaries of Emigrants to whom, in accordance with nn. 34-40 of the Apostolic Constitution, *Exsul Familia,* local Ordinaries have committed the care of souls in their diocese, have the power to administer the sacrament of Confirmation to their subjects who are at the point of death (in *articulo mortis),* according to the Decree of the Sacred Congregation of the Sacraments, *Spiritus Sancti munera,* of 14 Sept., 1946.[3]

His Holiness, Pope Pius XII, deigned to ratify this declaration *in the Audience* of 31 August, 1953.

AAS 45-758; S. C. Consist., Declaration, 7 Oct., 1953.

Note: The Decree of the S. C. of the Sacraments legislated in *periculo mortis.* Nowhere does it use the expression *"in articulo mortis,"* but rather *"in mortis periculo," "in vitae discrimine ex gravi morbo in vero mortis periculo sint constituti, ex quo decessuri praevidentur," "urgente mortis periculo."*

Confirmation in Danger of Death: Annual Report No Longer Required (S. C. Sacr., Decree, 1 Julv, 1957) AAS 49-943.

This Decree of the S. C. of the Sacraments is as follows:

It was prescribed by the Decree *"Spiritus Sancti munera,"* which was entitled *"De confirmatione administranda iis, qui ex gravi morbo in mortis periculo sunt constituti,"* of 14 Sept., 1946, η. 9? that local Ordinaries were to send a report every year to this Sacred Congregation on the number of persons confirmed and the manner in which the extraordinarv ministers in their respective dioceses had proceeded in performing so important a function.

Now that ten years have passed since that Decree was issued, this S. C. has decided, *facto verbo cum SS.mo,* to relieve the said Ordinaries of the obligation to send this report, from the

2 A second declaration made at the same time concerns assistance at marriage, and is reported under canon 1097.

'AAS 38-349; Canon Law Digest, 3, p. 303.

'AAS 38-349; Canon Law Digest, 3, p. 303.

end of the year 1957 and for the future, since it is sufficiently clear from the reports received during these ten years that the sacrament of Confirmation was properly administered with careful observance of the provisions of the Decree.

The local Ordinaries should, however, continue to take special care that in their respective dioceses the extraordinary ministers of this sacrament confer it adroitly and earnestly, so that Confirmation be not exposed to the danger of nullity nor to disrespect or irreverence.

Tn case any abuse occurs, let them, as far as may be necessary, have recourse to this Sacred Congregation in order that it may be suppressed without delay.

Given at Rome, from the office of this Sacred Congregation, 1 July, 1957.

AAS 49-943; S. C. Sacr., 1 July, 1957.

CANON 802

"Community Masses." Sec c. 862; Cardinals and Bishops of France, private Priest Alone Sacrifices. See c. 336; AAS 46-666.

CANON 803

Validity of Concélébration (Holy Office, 23 May, 1957' AAS 49-370.

The Holy Office was asked:

Question: Whether several priests validly concelebrate the Sacrifice of the Mass, if only one of them pronounces the words *"Hoc est corpus meum"* and *"Hic est sanguis incus"* over the bread and the wine, while the others do not pronounce the words of the Lord, but, with the knowledge and consent of the celebrant, have and manifest the intention to make his words and actions their own.

Reply: On Wednesday the 8th of March. 1957.1 the Eminent and Most Reverend Cardinals who are in charge of the guardianship of faith and morals, having previously heard the opinion of Consultons, decided to reply to the question: In the *negative;* because, by the institution of Christ, he alone celebrates validly who pronounces the words of consecration.

1 Wc may conjecture that the 8th of May is the correct date. This is given in *Periodica,* 1957, p. 243,

On Saturday the 18th of the same month and year, His Holiness by divine Providence Pope Pius XII, in the Audience granted to the Eminent and Most Reverend Cardinal Pro-Secretary of the Holy Office, approved the resolution of the Eminent Fathers when it was referred to him, and ordered that it be published.

Given at Rome, from the Holy Office, the 23rd of May, 1957.

AAS 49-370; Holy Office, 23 May, 1957. Annotations, *Periodica,* 1957, p. 244 (Hürth).

CANON 806

Doubts About the Apostolic Constitution *Incruentum* As Regards Orientals (S. C. P. F. for Affairs of the Oriental Rite, 22 March, 1916) AAS 8-104.

In the plenary session of the Sacred Congregation for the Propagation of the Faith for Affairs of the Oriental Rite held on March 13, 1916, examination was made of the proposal to extend to the Orientals the privilege of saying three Masses on the day of the Commemoration of all the Faithful Departed according to the norm in the apostolic constitution *Incruentum* of Pope Benedict XV. The doubts are as follows:

I. Is the Benedictine privilege to say three Masses on the day of the solemn Commemoration of the Departed extended to the Orientals.

II. And, supposing a negative reply, is it fitting to extend to the Orientals the privilege mentioned in the first doubt.

III. And, supposing an affirmative reply, on what day can the priests of the different oriental rites enjoy the aforesaid privilege.

The Eminent Cardinals after mature examination replied:

To I: in the negative.

To II: as proposed, it is not expedient.

To III: this has already been provided for.

The Holy Father in the audience accorded the undersigned Secretary of the same Sacred Congregation on the following March 22nd deigned to approve the solutions reported above.

AAS 8-104; S. C. P. F. for Affairs of the Oriental Rite, 22 March, 1916.

Bination on Week Days (S. C. Sacr., 16 Nov., 1948) Private.

A particular induit which is of special interest:

The Ordinary of Cincinnati, humbly prostrate at the feet of

Your Holiness, asks for the faculty to permit the repetition of the Holy Sacrifice on week days, on the occasion of weddings or funerals or in order to renew the Sacred Species in chapels of monasteries, because of the scarcity of priests.

The Sacred Congregation of the Sacraments, by virtue of special faculties granted to the Cardinal Prefect by His Holiness Pius XII, in consideration of these recitals, on the 16th of November, 1948, grants the prayer of the petitioning Ordinary as requested, provided that there is no other priest available to celebrate the second Mass, and the celebrant being forbidden to accept a stipend for the second Mass. The present grant to be valid for three years, in cases of real necessity.

(Private); S. C. Sacr., 16 Nov., 1948. *The Jurist,* 1949, p. 262.

Bination on Week Days (S. C. Sacr., 20 April, 1954) Private.

In response to a petition from the Archbishop of Washington, D. C., the Sacred Congregation of the Sacraments replied that it "graciously concedes the favor of bination to priests on First Fridays of each month, for nuptial Masses and funeral Masses, and on the sixteenth day to renew the Sacred Species in the chapels of religious as long as no other priest is available for the celebration of the Mass and provided that no stipend is accepted for the second Mass, all other regulations being observed."

This faculty was granted for three years.

(Private); S. C. Sacr, 20 April, 1954; copy kindly sent us by the Washington, I). C., Chancery.

Note: The faculty to binate on week days in order to renew the Sacred Species in the chapels of Sisters, provided no other priest is available and that for one of the Masses no stipend be taken, can be obtained of the Chancery in the Archdiocese of Dubuque and in the Diocese of Winona. Cf. *Diocesan Faculties in the United States,* Snee-Clark, Woodstock. Maryland, 1948, p. 59.

First Christmas Mass: In evening. See c. 858; AAS 45-806.

Trination: In Poland, the Primate Archbishop received special faculties to permit priests to celebrate three Masses, even on week days if necessary *(The Jurist,* 1950, p. 83).

CANON 808

Eucharistic Fast: Where Distance or Late Hour Cause No Inconvenience (Holy Office, 28 Jan., 1953) Private.

A Reply of the Holy Office (N. 404/6) is as follows:

Your Excellency:

The Canon Penitentiary of your Cathedral Basilica, by letter of 16 January, has asked for a reply to the following questions:

Questions: 1. A priest of robust physical constitution, who can very well fast from midnight to noon without feeling any inconvenience, and who has no other occupation besides that of saying Mass, goes on foot to a church two kilometers away, a walk which benefits his health, celebrates Mass, and afterward has an opportunity if he wishes to take some nourishment, but he can also do without it. Is he bound in conscience to observe the fast as prescribed in canon 808?

2. A priest who is healthy and robust and who can easily remain fasting from midnight to noon and has no duties in the ministry, is driven in an automobile to celebrate Mass in a church ten kilometers away. He feels no need of nourishment before noon. Is he obliged in conscience to observe the Law of fast from midnight to the time of the Mass as prescribed in canon SOS?

Reply: I beg to reply to Your Excellency that priests who have a physical constitution so robust as not to feel grave inconvenience from prolonged fasting cannot avail themselves of the concessions made by the Holy Father in the Apostolic Constitution. *Christus Dominus,* even though they have to celebrate Mass ata late hour or at a distant place, because the obligation of the Eucharistic fast is mitigated for those persons only who cannot observe it fully. These same priests, however, may take natural water to which nothing has been added, since in this respect there is a derogation of the law of the eucharistie fast.

Hence, to both questions proposed, this Supreme Sacred Congregation replies: In the affirmative.

(Private); Holy Office 28 Jan^ 1953. Reported in *Periodica,* 44 223, with annotations by Hürth.

CANON 818

Evening Mass: No Permission for Holy Thursday (S. C Rit., 21 March, 1953) Private.

After the promulgation of the Apostolic Constitution, *Christus Dominus,* on 6 Jan., 1953, which gave to Ordinaries under certain conditions the faculty to allow the celebration of the Holy Sacrifice of the Mass in the evening on certain days, the question has arisen:

Question: Whether Holy Thursday can be included among the days mentioned.

Reply: The Sacred Congregation of Rites, after carefully considering the matter and hearing the opinion of the Special Commission, decided to reply: "*Dilata;* and in the meantime let no change be introduced." His Holiness Pius XII deigned to approve this Reply.

All things to the contrary notwithstanding.

(Private); S. C. Rit., 21 March, 1953. Reported in *Commentarium fro Religiosis,* 32 (1953)–163.

Priests of the Roman Rite Celebrating in a Chapel of the Sisters of the Third Order of Saint Dominic: Calendar and Rite (S. C. of Rites, 18 June, 1956) Private.

The Sacred Congregation of Rites was asked:

Question: Whether priests of the Roman rite who celebrate Mass in a chapel of the Sisters of the Third Order of Saint Dominic are obliged to follow not only the Calendar of the Sisters but also their *Ordo* for the celebration of Mass. For these Sisters, since they do not belong to the Roman rite as regards the Mass, are not bound by the recent Decree on the simplification of the Rubrics; and hence in their *Ordo* for the celebration of Mass, they retain many things which the said Decree forbids for the Roman rite, for example, regarding the orations *de temporc,* the *Credo,* the last Gospel, and so forth.

Reply: In a letter of last February, certain questions were asked regarding priests who celebrate Mass in churches of the Order of Preachers.

After carefully considering everything, the Sacred Congregation of Rites replied: All Calendars made for the Roman rite must conform to the new Decree of 23 March, 1955, "on reducing the Rubrics to a simpler form."[1] Moreover, all priests who celebrate in a church of a rite other than their own are obliged to follow the Calendar of that church, retaining, however, their own rite.

(Private) ; S. C. Rit., IS June, 1956. Prot. N. S. 64/956.

Reading of Epistle and Gospel in the Vernacular After They Have Been Read in Latin (Holy Office, 17 Oct., 1956) Private.

Reply of the Holy Office to a Bishop in France:

After presenting some pastoral reasons, Your Excellency petitioned that in all the dioceses of France, the ministers in a solemn Mass and the Celebrant in a popular Mass, either sung or read, might be allowed to read the Epistle and Gospel first in Latin and then in the vernacular.

This Supreme S. C. received this petition with favor and decreed: In the affirmative.

Your Excellency asked moreover in the name of the Cardinals and Archbishops of France that, by special permission of the Holy Father, the faculty be given to the Ordinaries of that country, at least by way of experiment, that, where circumstances require it, the Celebrant of a low Mass may read the Epistle and Gospel to the people in the vernacular only, on Sundays and days of obligation or when there is a large attendance, provided however that none but a translation approved by the Bishop be used.

After considering well the circumstances, this Supreme S. C. decided that an affirmative reply to this petition cannot be given.

These decisions were submitted to the Supreme Pontiff for his approval in the Audience granted to His Excellency the Substitute of the Secretariate of State on the 11th of October.

[1] Reported in this volume under canon 2.

(Private); Holy Office, Letter, 17 Oct., 1956; Prot. N. 78/48. Reported by Romita in *Monitor Ecclesiasticus,* 1956, pp. 631-632.

"Gothic" Vestments: Left to Prudent Judgment of Ordinaries (S. C. Rit., Declaration, 20 Aug., 1957) AAS 49-762.

A Declaration of the Sacred Congregation of Rites *"circa dubium de forma paramentorum"* is as follows:

Since very many Bishops and other ecclesiastics have frequent!} asked permission of the Holy See according to the Reply of 9 December, 1925,l to make and use for the Sacrifice of the Mass and for sacred functions, vestments made up in the ancient form, this Sacred Congregation of Rites decided that it should be left to the prudent judgment of the Ordinaries whether, in view of the particular circumstances of various localities, such vestments should be permitted or not.

In making this decision, however, local Ordinaries should see that the sanctity and beauty of divine worship be provided for as perfectly as possible; they should not permit any audacious or ill-considered departure from the approved practice regarding the form of sacred vestments; in fact they should with all diligence forbid any changes which might cause uneasiness and occasion astonishment among the people.

Rome. 20 Aug., 1957.

AAS 49-762; S. C. Rit., 20 Aug., 1957.

Rubrics of Mass Simplified. See c. 2; S. C. Rit., Decree, 23 March, 1955 and many replies.

Singing of *Benedictus* before the Consecration: S. C. Rit. is reported as raising no objection to singing the entire *Sanctus* and *Benedicius* without a break before the consecration although it also docs not wish to revoke previous decisions nor issue special decree on such a small matter. See ZrûA *Ecclesiastical Record,* S9(195S)62.

' \AS 18-58; Canon Law Digest, 1, p. 374.

CANON 821

Christinas Midnight Mass in Religious and Pious Houses: .Ancient Restrictions No Longer in Effect (Code Com., 5 March, 1954) Private.

The Code Commission was asked:

Question: Whether, after the promulgation of the Code of Canon Law, the declaration of the Holy Office of 26 November, 1908, *ad* I. remains in effect, concerning the use of the faculty granted by canon 821, §3; and if so, whether this implies the exclusion of strangers from assisting at the Christmas midnight Mass.

Reply: His Eminence Cardinal Massimo Massimi. President of the Pontifical Commission for the interpretation of the Code of Canon Law, replied under date of 5 March. 1954 (Prot. X.1/54):

One does not see how it can be held that in the sacred functions mentioned in the canon cited, strangers should not be admitted, and still less that the doors should not be opened: since there is no trace of such a prohibition in the same canon which regulates the matter.

Private); Code Com., reply by the President, S March, 1954. Reported m *Commentarium pro Religiosis,* 1954, p. 329; annotations by Ochoa, *ibid* . pp. 330-352,

Evening Mass: Excessive Indulgence to Be Checked (Holy Office, *Monitum,* 22 March, 1955) AAS 47-218.

This Supreme Sacred Congregation has proof that not infrequently evening Masses are celebrated beyond the limits which are specified for the common good of the faithful in the Apostolic Constitution, *Christus Dominus.*

Accordingly, local Ordinaries are not to give the permission to celebrate evening Masses merely for the sake of enhancing external solemnity or for the benefit of private parties.

On this occasion the Holy Office deems it timely to remind

every one that the Apostolic Constitution, *Christus Domina,* forbids interpretations which enlarge the faculties granted.[1]

Given at Rome, from the Holy Office, 22 March, 1955.

AAS 47-218; Holy Office, *Monitum, 22* March, 1955. Annotations in *Commentarium pro Religiosis,* 1955, p. 130 (Peinador).

[1] of This Canon Is Not zkbrogated by New Eucharistic Legislation. Sec c. 858; Pro-Secretary of Holy Office, June, 1957.

CANON 822

Celebrating Mass at Sea: in Priest's Private Oratory: at Home — Formulae (S. C. Sacr., 1953) Private.

The following formulae of petitions for rescripts are given by Mons. Zerba, Sub-Secretary of the S. C. of the Sacraments, as representing the practice of the Sacred Congregation.

a) *For Saying Mass on Board Ship*

Beatissime Pater:

N.N., Sacerdos, ad pedes Sanctitatis Vestrae provolutus, humiliter implorat facultatem Missam in navi celebrandi durante maritimo itinere . . . (Mention the approximate dates and the terminals of the voyage).

The Rescript grants the faculty for that particular voyage, provided the place chosen be proper, and that if the place is an oratory canonically erected, neither the oratory nor the altar nor the sacred vestments be placed at the service of non-Catholic sects, that the sea be calm enough to ensure safety from the danger of spilling the Precious Blood, and that, if available, another priest in surplice assist the celebrant.

b) *For a Private Oratory for Priests Who Are Poor and Either III or Aged, When the Place Can Be Reserved Exclusively as an Oratory*

Beatissime Pater:

N.N., Sacerdos e Dioecesi ----- , a Sanctitate Vestra implorat

[1] AAS, 45-23 ; reported in this same volume under canon 858.

indultum oratorii domestici, in quo singulis per annum diebus, etiam sollemnioribus et sollemnissimis, nullo excepto, Sacrum litare valeat, quum grave sibi sit publicam ecclesiam adire. (Mention the cause, for example, advanced age or ill health, and attach the recommendation of the Ordinary.)

The Rescript commits to the Ordinary the power to grant the faculty, charging him to satisfy himself beforehand that the place destined for the oratory is to be used for no domestic purpose but reserved exclusively for Mass, that it is suitable according to the sacred canons and equipped properly with sacred furnishings; excluding the days which are excluded by' the priest's rite (c. 820), without prejudice to parochial rights, and observing the Instruction of the S. C. of the Sacraments of 1 Oct., 1949 *(AAS,* 41, p. 493; Canon Law Digest, 3, p. 318). Moreover the S. C. directly grants the faculty by which, in addition to the server, certain designated persons (e.g., the father, mother, brothers and sisters, and so on, of the priest) may satisfy the precept on days of obligation by hearing Mass in that place. Usually granted for three, less frequently for five years.

c) *For a Private Oratory for Priests When It Is Not Possible to Reserve the Place. Exclusively as an Oratory*

(This is commonly called the Induit "to celebrate at home")

The petition is the same as in b, above.

The Rescript commits to the Ordinary the power to grant the faculty, excepting the days excluded by the priest's own rite (c. 820) and provided the place be suitable and be not a bedroom (c. 822, §4), that there be no danger of irreverence, and that the other requirements of law be observed. The S. C. directly grants the faculty for certain persons to satisfy the precept on days of obligation by hearing Mass there. A special paragraph charges the Ordinary to examine the place either personally or through another ecclesiastic before allowing Mass to be said there. Usually granted for three, less frequently for five years.

d) *For the Grant of a Private Oratory by Papal Brief*

Beatissime Pater:

N.X., dioecesis------, ad Sanctitatis Vestrae pedes provolutus, humillime implorat indultum oratorii privati . . . cum sequentibus extensionibus . . .

Causae . . .

(The petition must always be recommended personally by the Bishop. The reasons which must be adduced and the other conditions for obtaining this induit are explained in the Instruction. Cf. Canon Law Digest, 3, p. 320.)

The Rescript commits to the Ordinary the power to grant the favor, upon first satisfying himself that the place is to be put tono domestic use but reserved exclusively as an oratory, that it is suitable according to law and duly equipped; without prejudice to parochial rights, and observing the other requirements of law. The grant is for the lifetime of the petitioner. At the end is the clause: *Praesens rescriptum expediatur per Breve.*

(The Rescript made out by the Sacred Congregation is then sent or carried to the Office of Apostolic Briefs, in the Vatican, where the Brief is written, signed and sealed.)

A priest who has sufficient reason to ask for a private oratory in this form and who is able to pay the costs of the Apostolic Brief, may use the same formula as above for the petition.

Monsignor Zerba also gives a typical formula of the Apostolic Brief itself. This, however, is subject to some variation accordins to circumstances and the tenor of the Rescript of the Sacred Congregation.

(Private); S. C. Sacr., 1953; formulae for petitions and rescripts fora private oratory, etc., reported by Mons. Zorba, Sub-Secretary of the Sacred Congregation, in *Monitor Ecclesiasticus,* 1954, p. 60.

Use of Blessed Linen Cloth Instead of Altar Stone, Permitted by Induit (S. C. Rel., 8 Feb., 1955) Private.

An induit of the Sacred Congregation of Religious of 8 February, 1955 (Prot. N. 14703/54), is as follows:

The Petition: The Superior General N.X., humbly prostrate at the feet of Your Holiness, asks for the faculty to permit the missionary priests subject to him in the Philippine Islands, Angola, and Brazil, to substitute a cloth made of linen or hemp for the portable altar or sacred stone in celebrating the Holy Sacrifice of the Mass.

The Rescript: In virtue of special faculties granted by His Holiness, the Sacred Congregation of Religious graciously allows the petitioner to grant to the missionary priests who are subject

to him. in those countries where roads and vehicles are insufficient. the faculty to use, instead of a portable altar or altar stone, a cloth made of linen or hemp and blessed by a Bishop, in which are enclosed Relics of the Saints inspected by the same Bishop. On this cloth the said missionary priests may celebrate the Holy Sacrifice of the Mass, with an obligation in conscience to use this faculty only in cases where, either there is no church nor public or private oratory available, or it is very inconvenient to carry an altar stone with them on the journey, or to have one. Observing the other provisions of the Rubrics, especially as to the altar cloths and the corporal.

The present induit is to be good for three years. All things to the contrary notwithstanding.

Given at Rome, 8 Feb., 1955.

(Private); S. C. Rd., 8 Feb., 1955. Reported in *Commentarium pro Religiosis,* 1955, p. 289, with annotations by Gutiérrez.

Note: This induit may be obtained from the S. C. of Religious for places not under the jurisdiction of the S. C. of Propaganda Fide The cloth should be about the size of a corporal, or at least as large as the altar stone which it replaces. It must contain some relics of the Martyrs (not *necessarily* of any other Saints) enclosed in a linen sac to be sewed into the right hand corner. This cloth is similar to the Oriental *antimensium,* yet substantially different from it, since it replaces *only* the altar stone, not the corporal nor the altar cloths.

The faculty is given directly to the Superior General for his priests, without the need of any execution by the local Ordinary. (The S. C. i Propaganda, on the other hand, commits the execution of the rescript to the local Ordinary.) The inspection of the relics and the blessing of the cloth can be done by any Bishop.

The Formula. The formula, approved by the S. C. of Rites, is exactly the same as that for the blessing of the *Antimensium Latinum* (Cason Law Digest, 3, p. 362). For convenience, we reproduce it here:

Pontifex, postquam aliquas authenticas Reliquias sanctorum Martyrum recognoverit, eas in parvo quodam linteo sacculo includit, qui in angulo dextero lintei benedicendi assuatur, deinde linteum benedicit dicens:

V. zXdiutorium nostrum in nomine Domini. — R. Qui fecit caelum ct terram. — V. Dominus vobiscum. — R. Et cum spiritu luo.

Oremus: Maiestatem tuam, Domine, humiliter imploramus ut linteum hoc ad suscipienda populi tui munera praeparatum, per nostrae

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humilitatis servitium bene-P dicere, sancti-r ficare et conse 4-crart digneris: ut super eo sanctum sacrificium Tibi offerre valeamus, ad honorem beatissimae Virginis Mariae, Sanctorum N.N., quorum Reliquias in eo reposuimus, et omnium Sanctorum; et praesta, ut per haec sacrosancta mysteria vincula peccatorum nostrorum absolvantur, maculae deleantur, veniae impetrentur, gratiae acquirantur, quatenus uni cum Sanctis et Electis tuis vitam percipere mereamur aeternam. Per eundem Christum Dominum nostrum. — R. Arnen.

Et aspergit illud aqua benedicta.

CANON 854

Use of Reason Required for Reception of Communion and for Obligation of Annual Confession (Pres. Cod Com., 24 Feb., 1920) **Private.**

The Code Commission was asked:

Is the use of reason mentioned in can. 854, §§ 2, 3 and 5; 859, § 1, and 906 that required for the commission of a mortal sinor that sufficient for the commission of only a venial sin.

The President of the Commission replied:

The use of reason for Holy Communion is that clearly indicated in can. 854, §§ 2 and 3; for the precept of annual confession it is that indicated in can. 906.

(Private); Pres. Cod. Com., 24 Feb., 1920; reported in *Arckiv lit katholisches Kirchenrccht,* 101 (1921) 68.

CANON 858

Eucharistic Fast: *Per Modum Potus* Officially Defined (Holy Office, 7 Sept., 1897) **Private.**

A reply of the Holy Office:

The Petition: N.N. states that because of a chronic illness he obtained the faculty of taking something *"per modum potus'* before Holy Communion. As the illness has grown much worse and matter taken by way of drink is no longer sufficient for him, he prays Your Holiness to permit him to take also some solid nourishment.

The Reply: Let the reply give the mind of the Sacred Congregation as in *Abellinen.,* 4 June, 1893: The mind is that when the expression *"per modum potus"* is used, it is understood that

the person may take broth, coffee, or other liquid food, in which is mixed some substance such as wheat meal, grated bread, and the like, provided the whole mixture continues to have the nature of liquid food. His Holiness approved this reply.

(Private) ; Holy Office, 7 Sept., 1897.

Note: Notwithstanding its antiquity this reply is valid and much needed today as an interpretation of the new legislation on the Eucharistic fast. It is given by Castellano in *La Nuova Disciplina del Digiuno Eucaristico c delle Messe Vespertine,* Rome, 1954, p. 103. Also published in *Acta Sanctae Sedis,* Vol. XXX, p. 629; *Collectanea S. C. Prop. Fid.* II, n. 1983; Gasparri, *Fontes,* n. 1192, Vol. IV, p. 497.

Eucharistic Fast: Apostolic Constitution Establishing New Discipline (Pius XII, 6 Jan., 1953) AAS 45-15.

The Apostolic Constitution, *Christus Dominus,* dated 6 Jan., 1953, and entitled "On the Discipline to Be Observed Regarding the Eucharistic Fast," is as follows:

Christ the Lord, "on the night in which He was betrayed,"[1] when for the last time He celebrated the Pasch of the Old Law, after supper was finished,[2] took bread and, giving thanks, broke and gave to His disciples, saying: "This is My Body, which shall be given up for you";[3] and in like manner He handed them the chalice, saying: "This is My Blood of the New Covenant, which is being shed for many";[4] "Do this in remembrance of Me."[5] From these passages of Holy Scripture it is clearly evident that the Divine Redeemer wished to substitute for this final paschal celebration, in which a lamb was eaten according to the Hebrew rites, a new Pasch to endure to the end of the world, that is, the eating of the immaculate Lamb, who was to be immolated for the life of the world, so that the new Pasch of the New Law should bring the ancient Passover to an end, and the shadow be dispelled by the reality.[6]

However, since this conjunction of the two suppers was designed to signify the transition from the old Pasch to the new, it is easy to see why the Church, in renewing the Eucharistic Sacrifice by command of the Divine Redeemer in remembrance of Him, could

[1] 1 Cor. 11:23.
[2] Cf. Lk. 22:20.
[3] 1 Cor. 11:24.
[4] Mt. 26:28.
[5] Ci. 1 Cor. 11:24-25.
[6] Cf. the hymn, *Lauda Sion,* in the Roman Missal.

depart from the practice of the ancient love feast and introduce that of the Eucharistic fast.

For from ancient times the custom developed of administering the Eucharist to the faithful fasting.[7][8] Toward the end of the fourth century, fasting was already prescribed by several Councils for those who were going to celebrate the Eucharistic Sacrifice. Thus in the year 393 the Council of Hippo decreed: "Let the Sacrament of the altar be celebrated only by those who are fasting";[9] a little later, that is in the year 397, this precept was set forth in the same words by the Third Council of Carthage;[10] and by the beginning of the fifth century this custom was quite common and could be called immemorial. Hence Saint Augustine states that the most Holy Eucharist is always received fasting, and that this usage is observed throughout the world.[10][11]

Undoubtedly this practice was based on very serious reasons, among which may be mentioned first of all the circumstance which the Apostle of the Gentiles deplores in speaking of the fraternal love feast of the Christians.[11] Abstinence from food and drink is in keeping with the profound reverence which we owe to the supreme majesty of Jesus Christ when we are about to receive Him hidden under the Eucharistic veils. Moreover, when we receive His most precious Body and Blood before taking any other food, we clearly show that it is the first and greatest nourishment by which our soul is supported and its holiness increased. Hence the same Saint Augustine reminds us: "It has pleased the Holy Spirit that in honor of so great a Sacrament the Body of the Lord should enter the mouth of a Christian before any" other foods."[12]

Not only does this fast discharge the obligation of honor to the Divine Redeemer, but it also fosters devotion; and so it can help Io augment those most salutary fruits of holiness which Christ the fountainhead and author of all good, demands that we who are enriched by His grace, bring forth.

Besides, everyone knows from experience that by the very laws of human nature, when the body is not burdened with food the mind is rendered more alert and is more strongly moved to

7 Cf. Benedict XIV, *De Synodo Dioecesana,* VI, cap. 8, n. 10.
s Cone. Hipp., can. 28; Mansi, III, 923.
9 Cone. Carth. Ill, cap. 29; Mansi, III, 885.
»0 Cf. St. Augustine, *Ep. LIV ad Ian.,* cap. 6; Migne, *PL,* 33, 203.
11 Cf. 1 Cor. 11:21 ff. 12 St. Augustine, *loc. cit.*

meditate on that hidden and sublime mystery which is enacted in the soul as in a temple, to the increase of divine charity.

The solicitude of the Church for the observance of the Eucharistic fast can be gathered also from the fact that she imposed severe penalties for the violation of this precept. Thus the Seventh Council of Toledo in the year 646 threatened with excommunication anyone who should celebrate Mass without fasting;[13] and in the year 572 the Third Council of Braga,[14] as well as in the year 585 the Second Council of Macon[15] had already decreed that anyone who should be proved guilty of this act should be deposed from his office and dignity.

Nevertheless, as the centuries rolled by, diligent consideration was also given to the fact that at times it was expedient in view of special circumstances to relax somewhat this law of fasting as it affected the faithful. Accordingly the Council of Constance in the year 1415, while reaffirming the sacrosanct law of fasting, also added a certain modification: ". . . the authority of the sacred canons and the praiseworthy and approved custom of the Church have prescribed and now prescribe that this Sacrament must not be celebrated after supper, nor be received by the faithful not tasting, except in the case of illness or other necessity recognized or permitted by the law or by the Church."[16]

It has seemed good to recall these things to mind so that all may understand that, although We have been induced by new conditions of time and circumstances to grant not a few faculties and permissions in this matter, nevertheless We intend by this Apostolic Letter to confirm the full force of the law and custom concerning the Eucharistic fast; and that We also wish to remind those who are able to comply with that law, that they diligently continue to do so, so that only those who need these concessions may make use of them, according to their need.

We are filled with the sweetest consolation — and We are happy to mention it here, though briefly — when We behold devotion to the august Sacrament of the Altar daily increasing not only in the souls of the faithful but also in the splendor of divine worship, a thing which has been very frequently shown in the

13 Cone. Tolct. VII, cap. 2; Mansi, 10, 768.
14 Cone. Bracar. III, can. 10; Mansi, 9, 841.
15 Cone. Matiscon. II, can. 6; Mansi, 9, 952.
Cone. Constant., sess. XIII; Mansi, 27, 727.

public manifestations of the people. To this effect undoubtedly the solicitous attentions of the Sovereign Pontiffs have contributed not a little, especially in the case of Blessed Pius X who, calling upon all to renew the ancient custom of the Church, exhorted them to approach the table of the Angels as frequently as possible and even daily if possible;17 and, inviting also the little onesto this heavenly' food, wisely decreed that the precept of confession and Holy Communion applied to each and every person who had attained the use of reason;18 and this is also prescribed by the Code of Canon Law.19 Spontaneously and willingly responding to these wishes of the Sovereign Pontiffs, the faithful have come to Holy Communion in ever increasing numbers. And would that this hunger for the Bread of Heaven and thirst for the Precious Blood were enkindled in all men of every age and of every social rank

It should be observed, however, that the times in which we live and their special conditions have introduced into common currency and the ordinary course of life many circumstances which occasion grave difficulties, apt to deter people from participating in the divine mysteries, if all must absolutely observe the law of the Eucharistic fast as it has been observed up to the present time.

In the first place, obviously priests today are numerically unequal to the task of ministering to the growing necessities of the faithful. On feast day's especially, they must often put up with excessive labors, as they have to celebrate the Eucharistic Sacrifice at a late hour and not infrequently two or three times on the same day; and at times they must travel long distances in order that considerable sections of their flock may not be without Mass. Exhausting apostolic labors of this sort unquestionably' undermine the health of priests; especially as they' must not only celebrate Mass, explain the Gospel, hear confessions, teach catechism, and attend to the other duties of their office, which demand of them more and more application and work, but must also carefully plan and provide the ways and means of combating the relentless assault which in these days has been launched on such a wide front and with such shrewdness and bitterness against God and His Church.

17 Decree of S. C. Cone., *Sacra Tridentina Synodus,* 20 Dec., 1905; XcM *Sanctae Sedis,* 38–100; *Fontes,* n. 4326, Vol. VI, p. 828.

18 Decree of S. C. Sacr., *Quam singulari,* 8 Aug., 1910; AAS 2-S77; *FonUs,* n. 2103, Vol. V, p. 80.

19 Canon 863; cf. canon 854, § 5.

But Our mind and heart go out above all to those who are working in distant countries far from their native land, and who have generously responded to that invitation and command of the Divine Master: "Go, therefore, and make disciples of all nations."[20] We are speaking of the heralds of the Gospel who enduring exhausting labors and conquering all the difficulties of communication, are striving with all their power to bring the light of the Christian religion to all according to their capacity, and to nourish their people, who often are but recent converts to the Catholic faith, with the Bread of Angels which fosters virtue and rekindles devotion.

In almost the same situation are those faithful who live in the many areas cared for by Catholic missionaries or in other places where they do not have their own resident priest, but must await until a late hour the arrival of another priest before they can participate in the Eucharistic Sacrifice and be nourished with the divine Food.

Moreover, now that machines of every sort have been brought into general use, it very often happens that not a few workmen employed in factories, or in transportation, shipping, or other public utilities, are occupied day and night on swing shifts, so that their weakened conditions sometimes compels them to take some nourishment, and thus they are prevented from approaching the Eucharistic table fasting.

Mothers of families also are often unable to come to the Holy Table until they have attended to their household duties, which often demand many hours of work.

It also happens that in schools and academics for boys and girls there are very many who desire to answer that divine invitation: "Let the little children come to Me,"[21] perfectly trusting that He who "feedeth among the lilies"[22] will guard the innocence of their souls and the purity of their lives against the enticements of youth and the snares of the world. And yet at times it is very difficult for them, before going to school, to go to church and there nourish themselves with the Bread of Angels and afterward return home to take their necessary nourishment.

Moreover, we must remember that today large numbers of people cross from place to place in the afternoon or early evening

[20] Mt. 28:19.
[21] Mk. 10:14.
[22] Cant. 2:16; 6:2.

to take part in religious services or to attend meetings on social questions. If, then, it were permitted to celebrate on such occasions the Eucharistic Mystery, which is the living font of divine grace and incites the will to glow with the desire of virtue, there is no doubt that all could draw from this source the strength to adopt a thoroughly Christian way of thought and action and to obey just laws.

These special considerations may well be supplemented by others which are of universal application. Although in these our times medical science and the study of hygiene have made such progress and have contributed so much to diminishing the death rate especially among the young, yet the conditions of modern life and the hardships resulting from the frightful wars of this century are such that they have to a great extent undermined constitutions and weakened physical health.

For these reasons and especially in order the better to promote the reawakened devotion toward the Eucharist, not a few Bishops of various countries have respectfully petitioned by letter that this law of fasting be somewhat mitigated; and this Apostolic See has already graciously granted special faculties and permissions in this matter to the sacred ministers and to the faithful. In this connection We may recall the Decree entitled *Post editum,* which was issued by the Sacred Congregation of the Council, 7 Dec., 1906, for the sick;[23] and the Letter of 22 March, 1923 given to local Ordinaries for priests, by the Supreme Sacred Congregation of the Holy Office.[24]

In these latter times the petitions of the Bishops in this matter have been more frequent and more insistent and the faculties granted have been correspondingly greater, especially those bestowed at the time of the war. Without doubt that is an excellent indication that there exist new, serious, continuing, and sufficiently general causes which make it exceedingly difficult in many circumstances both for priests to celebrate the Eucharistic Sacrifice and for the faithful to receive the Bread of Angels fasting.

Wherefore, in order to meet these grave inconveniences and difficulties and in order that diversity of induits may not lead to differences in practice. We think it necessary to decree a mitigation

23 *Acta Sanctae Sedis,* 39-603; *Fontes,* n. 4331, Vol. VI, p. 843.
24 AAS 15-151; Canon Law Digest, 1, p. 351.

of the Eucharistic fast in such a way that, as far as possible, even in the special conditions of time and place and persons, all may more easily be able to observe that law. In issuing this decree We are confident that We will be able to contribute much to the increase of devotion to the Eucharist, and thus better persuade and induce all to partake of the Table of the Angels, with an undoubted increase of glory to God and of holiness to the Mystical Body of Jesus Christ.

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not begin before four o'clock in the afternoon, on the following days: on holy days of obligation which are still in effect, or on those which were formerly observed; on the first Friday of each month; on the occasion of solemnities which are celebrated with a large concourse of people; and also, in addition to these days, once each week. The priest must observe the fast for three hours as to solid food and alcoholic drink, and for one hour as to non-alcoholic drink. During these Masses, moreover, the faithful may receive Holy Communion, observing the same rule as regards the Eucharistic fast, and without prejudice to the prescription of canon 857.

In Mission territories, considering the very special conditions which prevail there and because of which, generally speaking, it is rare for priests to be able to visit the distant stations, local Ordinaries can grant to missionaries the same faculty also for other days of the week.

Local Ordinaries, however, should carefully see to it that every interpretation be avoided which would enlarge the faculties granted, and that all abuse and irreverence in this matter be precluded. For in bestowing these faculties which are demanded today by circumstances of persons, times, and places, We wish most emphatically to confirm the importance, force, and efficacy of the Eucharistic fast for those who are about to receive the Divine Redeemer hidden under the Eucharistic veils. And moreover, as bodily inconvenience is diminished, the soul ought as far as possible to make up for it, either by interior penance or in other ways, according to the traditional practice of the Church, which usually prescribes other works when it mitigates the obligation to fast. Therefore those who make use of the faculties here granted should direct more fervent prayers to Heaven, to adore God, to thank Him and especially to expiate their faults and to implore new graces from above. Since all should clearly realize that the Eucharist was instituted by Jesus Christ "as an everlasting memorial of His Passion,"[25] they should stir up in their hearts those sentiments of Christian humility and Christian penance which meditation on the sufferings and death of the Divine Redeemer ought to arouse. Likewise let all offer to the same Divine Redeemer, ever immolating Himself on the altar and thus

[25] St. Thomas, *Opusc. LVII,* Office of the Feast of Corpus Christi, led. IV, *Opera Omnia,* Rome, 1570, vol. XVII.

renewing the greatest proof of His love, increased fruits of charity toward their neighbor. In this way certainly all will contribute to the daily better fulfillment of that saying of the Apostle of the Gentiles: "The bread is one, we though many are one body, all *oi* us who partake of the one bread."[20]

It is Our will that all the decrees contained in this Letter be established, ratified and valid, notwithstanding anything to the contrary, even though worthy of most special mention; and all other privileges and faculties which have been granted in any way whatsoever by the Holy See are hereby abolished, so that everywhere all persons may uniformly and duly observe this discipline.

All the provisions herein set forth shall be operative from the day of promulgation in the *Acta Apostolicae Sedis.*[21]

Given at Rome, at Saint Peter's, in the year of the Lord one thousand nine hundred and fifty-three, on the sixth day of the month of January, the Epiphany of the Lord, in the fourteenth year of Our Pontificate,

AAS 45-15; Pius XII, Apostolic Constitution, 6 Jan., 1953. Cf. note following the next document, the Instruction of the Holy Office.

Eucharistic Fast: Instruction on the New Discipline (Holy Office, 6 Jan., 1953) AAS 45-47.

An Instruction of the Supreme Sacred Congregation of the Holy Office entitled, "On the Discipline to Be Observed Regarding the Eucharistic Fast," is as follows:

The Apostolic Constitution *Christus Dominus,* issued this day by the Sovereign Pontiff Pius XII happily reigning, grants not a few faculties and dispensations with regard to the observance of the law of the Eucharistic fast, but it also substantially confirms for the most part the norms which the Code of Canon Law (canons 808 and 858, § 1) imposes on priests and faithful who are able to observe that law. These persons also, however, are included in the favor conferred by the first prescription of the Constitution, in virtue of which *natural* water (that is, without any admixture of any element whatever) no longer breaks the Eucharistic fast (Constitution, η. I). As regards the other concessions, only those priests and faithful may make use of them, who find themselves in the special conditions provided for in the Constitu-

»1 Cor. 10:17.

:;The day of promulgation was 16 Jan., 1953.

tion, or who celebrate or receive Communion at evening Masses which are authorized by the Ordinaries within the limits oi the new faculties given to them.

And so in order that the norms concerning such concessions may everywhere be uniformly observed and every kind of interpretation may be avoided,, which would amplify the faculties granted, and in order to forestall every abuse in this matter, this Supreme Sacred Congregation of the Holy Office, by order and command of the Sovereign Pontiff himself, decrees the following:

Concerning the Sick, Both Faithful and Priests (Const., η. II)

1. The faithful who are ill, even though not confined to bed. may take something by way of drink, exclusive of alcoholic beverages, if because of their illness they cannot without serious inconvenience observe the fast completely until the reception oi Holy Communion. They may also take something by way of medicine, either liquid (but not alcoholic) or solid, provided it be true medicine, prescribed by a doctor or commonly recognized as such. It must be noted, however, that any solid taken as nourishment cannot be considered as medicine.

2. The conditions under which one may use the dispensation from the law of fasting, without any limitation as to time before Communion, must be prudently weighed by a confessor, nor may anyone use it without his advice. The confessor, however, may give his advice either in the sacramental internal forum or in the extra-sacramental internal forum, and even once for all, as long as the conditions of the same illness last.

3. Sick priests, even though not confined to bed, may likewise use the dispensation, whether they are going to celebrate Mass or to receive the Most Holv Eucharist.

Concerning Priests in Special Circumstances
(Const., nn. **III** and IV)

4. Priests who are not ill but who are going to celebrate: (a) *at a rather late hour* (that is, after nine o'clock), or (6) after fatiguing work in the sacred ministry (for example, from early morning or for a long time), or (c) after a long journey (that is. at least about two kilometers' on foot or proportionately longer according to the kind of vehicle used, with due consideration also

' About one mile and a quarter.

of the person or of the difficulty of the trip), may take something by way of drink, exclusive of alcoholic beverages.

5. The three cases above enumerated are such that they embrace all the circumstances in which the legislator intends to grant the aforesaid faculty, and so every interpretation which would amplify the faculties granted is to be avoided.

6. Priests who are in these circumstances may take something by way of drink once or several times, but must observe a fast of one hour before the celebration of Mass.

7. Furthermore, all priests who are going to celebrate Mass twice or three times, may in the prior Masses take the two ablutions prescribed by the rubrics of the Missal, but using only water, which according to the new principle does not break the fast.

However, a priest who on Christmas or All Souls' Day celebrates three Masses, one immediately after the other, is obliged to observe the rubrics as regards the ablutions.

S. But if a priest who must celebrate Mass a second or a third time inadvertently takes wine also in the ablution, he is not prohibited from celebrating the second or third Mass.

Concerning the Faithful in Special Circumstances
(Const., η. V)

9. Similarly the faithful who cannot observe the Eucharistic fast, not because of illness but *because of some other grave inconvenience,* may take something byr way of drink, exclusive however of alcoholic beverages, and provided they observe a fast of one hour before receiving Holy Communion.

10. The causes of *serious inconvenience* are three in number, and it is not allowed to extend them.

a) Fatiguing work undertaken before Holy Communion.

Persons affected by such work are, first, workmen who are employed in day and night shifts in factories or in transportation and maritime services or other public utilities; second, those who by reason of their office or through charity pass the night awake (for example, hospital personnel, night watchmen, and the like); third, pregnant women and mothers of families who, before they can go to church, must spend a long time in household tasks, and so on.

b) The lateness of the hour at which Holy Communion is received.

*1 h Ψ

For there are many of the faithful who cannot have a priest to say Mass except at a rather late hour of the day; there are ven many children for whom it would be too much of a hardship to have to go to church, receive Holy Communion, and then return home to take breakfast, before going to school; and so forth.

c) A long distance to go to reach the church.

As was explained above (n. 4), in this matter the distance is to be considered long if it must be traveled on foot for at least about two kilometers or proportionately farther according to the kind of vehicle used, with due consideration also of the person and oi the difficulty of the trip.

11. The causes of serious inconvenience must be prudently weighed by a confessor in the internal sacramental or non-sacramental forum; nor may the faithful receive the Most Holy Eucharist not fasting without his advice. On the other hand a confessor can give such advice *once for all,* as long as the same cause of serious inconvenience lasts.

Concerning Evening Masses (Const., η. VI)

12. In virtue of the Constitution *local Ordinaries* (cf. canon 198) have the faculty to permit in their own territory the celebration of evening Mass if circumstances make it necessary, notwithstanding the prescription of canon 821, § 1. For the common good at times demands the celebration of the sacred mysteries in the afternoon, for example, for workmen in certain industries who work in shifts even on feast days; for those classes of workers, such as those employed in seaport services, who are busy in the morning hours of feast days; for those persons also who gather in great numbers even from distant countries, to celebrate some religious or social festivity; and so on.

13. Such Masses however may not be celebrated before four o'clock in the afternoon, and only on the days *exclusively* mentioned, namely:

g) on existing holv davs of obligation according to canon 1247, § i;

b) on suppressed holy days of obligation, according to the list published by the Sacred Congregation of the Council on 28 December. 1919;2

- AAS 12 42, Canon Law Digest, 1, p. 254.

c) on the first Friday of each month;

d) on other solemn occasions which are celebrated with a large concourse of people;

e) on one day in the week in addition to the days above mentioned. if the good of particular classes of people so requires.

13. Priests who celebrate Mass in the afternoon, as well as the faithful who receive Holy Communion at such a Mass, may, during the meal which is permitted up to three hours before the beginning of Mass or Communion, also take *in due moderation* such alcoholic drinks as are customary at table (for instance, wine, beer, and the like), exclusive however of liquors. However, as to beverages which may be taken before or after such a meal and up to one hour before Mass or Communion, *every kind of alcoholic beverage* is excluded.

14. Priests may not say both a morning and an evening Mass on the same day, unless they have the express faculty to celebrate Mass two or three times according to canon 806.

Similarly the faithful, according to canon 857, may not receive Holy Communion both in the morning and in the evening of the same day.

15. The faithful, even though they be not of the number of those for whom an evening Mass may have been authorized, may freely receive Holy Communion *during the aforesaid Mass* or *immediately before or immediately after* (cf. canon 846, § 1), observing the norms above set forth as to the Eucharistic fast.

16. In places, however, which are governed, not by the general law *(ius commune)* but by the special law for the Missions *(ius Missionum),* Ordinaries may, under the same conditions, permit evening Mass every day of the week.

Directives for Carrying Out the Norms

17. Ordinaries must sedulously see to it that every abuse and irreverance toward the Most Blessed Sacrament be altogether avoided.

18. They should likewise take care that the new discipline be uniformly observed by all their subjects, and inform them that all faculties and dispensations, both territorial and personal, hitherto granted by the Holy See, have been abrogated.

19. Let the interpretation of the Constitution and of this Instruction adhere faithfully to the text, and let it in no way amplify

faculties already so favorable. As for customs which may differ from the new discipline, attention is called to the abrogatin' clause, "notwithstanding anything to the contrary, even though worthy of most special mention."

20. Ordinaries and priests who are to avail themselves of the faculties granted by the Holy See should zealously exhort the faithful to assist frequently at the Sacrifice of the Mass and to receive Holy Communion. They should also take advantage of every opportunity, especially in their sacred preaching, to promote the spiritual good for the attainment of which the Sovereign Pontiff Pius XII has been pleased to issue the Constitution.

The Sovereign Pontiff, in approving this Instruction, decreed that it should be promulgated by publication in the *Acta Apostolicae Sedis* together with the Apostolic Constitution *Christu Dominus.*

From the Holy Office, the 6th day of January in the year 1953

AAS 45–47; Holy Office, Instruction, 6 Jan., 1953.

Note: *Theology Digest,* Vol. II, p. 53, in an article by Oren W Key, S.J., has a very comprehensive summary of the opinions of canonists and moralists on the principal questions raised by these documents. From the copious bibliography *{ibid.)* we note the following commentaries as perhaps the most useful for English-speaking readers: *The American Ecclesiastical Review,* 128-241 (Connell); *The Irish Ecclesiastical Record,* 79-146 (McCarthy); 79-224; 79-304; 79-388; and 80-295 (Conway); *The New Eucharistic Legislatio'.* (Ford — Kenedy, N. *'Y.,* 1953); *The Clergy Monthly,* 17-45; 17-248; 17-281 (Genicot); *The Clergy Review,* 38-160; 38-229; 38-358 (Mihoney) ; *Periodica,* 42-50 (Hürth) ; *Bollctino del Clero Romano,* 4–150 (Castellano); *Review for Religious,* 12-305 (Werts); *Thcologicd Studies,* 14-215 (Reed).

The Confessor Whose Advice Is Required Must Have Faculties in the Place Where He Gives It (Holy Office. 13 Feb., 1953) Private.

The following reply was given by Cardinal Pizzardo to a query from the Episcopal Curia of Trieste-Capodistria:

1. The confessor of whom mention is made in nn. 2 and 11 of the Instruction can be any priest who has the faculty to hear the confession of the person who applies to him, even if the person has not confessed to him and does not now do so. How-

ever, the confessor cannot give the required advice in writing, nor by telephone, nor through a third person.

2. The examples given in n. 10 *a* are not exclusive; hence the dispensation may extend also to other women besides those who are pregnant or are mothers of families, who attend in a similar way to domestic duties.

3. As regards n. 13, outside the principal meal of which mention is made and during which alone alcoholic beverages are permitted according to necessity and with temperance, other solid food may be taken up to three hours before the beginning of the evening Mass or before Holy Communion.

(Private); Hob' Office, 13 Feb., 1953; *Palcstro del Clero,* 32-S62, quoted in *Theological Studies,* 15-S7, note 107; also in *Commentarium pro Religiosis,* 32-328.

Evening Mass Aboard Ship: an Interpretation of the Apostolic Constitution *Christus Dominus* (Holy Office, 31 May, 1953) AAS 45-426.

A Decree of the Holy Office "On evening Mass aboard ship" is as follows:

The Supreme Sacred Congregation of the Holy Office was asked:

1. Whether, according to η. VI of the Apostolic Constitution *Christus Dominus,* local Ordinaries can, for the duration of an ocean voyage, permit the celebration of an evening Mass in favor of the faithful who are aboard ship and, if the reply is in the affirmative,

2. Which local Ordinary is competent in the case.

Reply: After having thoroughly considered these questions, this Supreme Sacred Congregation, in the plenary session of 25 March, 1953, decided to reply:

1. In the affirmative.

2. Competent to grant the aforesaid faculty is the Ordinary of the place in whose territory is the port at which the ship habitually docks.

.And in the audience granted to the Cardinal Pro-Secretary of the Holy Office on the 5th of May, 1953. His Holiness Pope Pius XII approved this decree and ordered that it be published.

Given at Rome, from the Holy Office, 31 May, 1953.

AAS 45-426; Holy Office, Decree, 31 May, 1953.

Eucharistic Fast: Changes to Be Made in the Catechism of Blessed Pius X (S. C. Cone., 14 Nov., 1953) AAS 45-809.

A Circular issued by the S. C. of the Council "On new formulae of the Eucharistic fast to be introduced into the Catechism of Blessed Pius X" is as follows:

As is known, with the Apostolic Constitution *Christus Doming* of 6 Jan., 1953, the Sovereign Pontiff Pius XII established a nr discipline for the Eucharistic fast, and the Sacred Congregatio: of the Holy Office by its Instruction of the same date enacted special norms for the regular observance of that discipline (M *Apostolicac Sedis,* vol. 45, pp. 15, 47).

Then at the request of this Sacred Congregation of the Council, the S. C. of the Holy Office, with the solemn approval of the Holy Father, ordered that in the Catechism of Blessed Pius X the following changes be made in questions 335, 339, and 340 and the corresponding answers.

335. What things are necessary to make a good Communion?

R. To make a good Communion three things are necessary: I. to be in the state of grace; 2. to know and reflect Who it is that one is going to receive; 3. to be fasting from midnight.

339. In what does the Eucharistic fast consist?

R. The Eucharistic fast consists in abstaining from all food and drink except natural water.

340. Can one who is not fasting ever receive Communion?

R. One who is not fasting can receive Communion in danger of death; also in special circumstances determined by the Church.

340. bis. What are the special circumstances determined by the Church?

R. They are the following:

1. The sick may receive Communion, even after having taken medicine or drink if, because of a serious inconvenience—acknowledged as such by a confessor — they cannot remain completely fasting.

2. One who goes to Communion at a late hour or after a lone trip or after tiring work may take something to drink up to an hour before receiving Communion if it is a serious inconvenience for him — in the judgment of a confessor — to observe the complete fast.

3. At evening Masses, one can receive Communion if he has

abstained from solid foods for three hours and from beverages for one hour.

340 ter. *In the permission to take beverages, are alcoholic liquids also included?*

R. In the permission to take beverages, alcoholic liquids are excluded.

This is communicated for appropriate information and observance.

Rome, 14 November, 1953.

AAS 45-809; S. C. Cone., Circular, 14 Nov., 1953.

Eucharistic Fast: Notice Regarding Privileges Allowing First Christinas Mass in the Evening of the Vigil (Holy Office, 12 Dec., 1953) AAS 45-806.

The following notice was issued by the Holy Office:

The question has been asked: Whether the Apostolic Constitution *Christus Dominus* and the accompanying Instruction of the Holy Office revoked the privilege enjoyed by some churches, of celebrating the *first Mass* of Christmas in the evening of the vigil

In reply, notice is given that the said privilege, being of a liturgical nature, does not as such come under the abrogating clauses of the Constitution *Christus Dominus.*

Priests, however, who celebrate in the aforesaid circumstances, as well as the faithful who receive Holy Communion, must conform to the existing discipline regarding the Eucharistic fast.

From the Holy Office, 12 December, 1953.

AAS 45-806; Holy Office, Notification, 12 Dec., 1953.

The Eucharistic Fast in the Celebration of the Paschal Vigil (Holy Office, 7 April, 1954) AAS 46-142.

A Decree of the Holy Office entitled *"De Disciplina leitinii Eucharistici in Celebratione Instauratae Vigiliae Paschalis Servanda"* is as follows:

Since the Sacred Congregation of Rites by the Decree of 11 January. 1952 *(AAS,* Vol. 44, p. 48),[1] extended for three years the faculty of celebrating the restored paschal vigil, which had been granted by the Decree of 9 February, 1951 *(AAS,* Vol. 43,

[1] Canon Law Digest, 3, p. 35.

p. 128),2 and added some "Ordinances" also on the Eucharistk fast (V, 18), some local Ordinaries have asked whether the above-mentioned "Ordinances" remain in effect also after the promulgation of the Apostolic Constitution *Christus Dominus* of 6 January, 1953, and the Instruction of the Holy Office of the same date, regarding the discipline to be observed as to the Eucharistic fast (.4/IS, Vol. 45, pp. 15 and 47).3

The Most Eminent and Most Reverend Fathers of this Supreme Sacred Congregation of the Holy Office, after having taken counsel of the Sacred Congregation of Rites, in the Plenary Session of Wednesday the 7th of April, 1954, decreed as follows:

Reply: 1. Priests who are to celebrate the Mass of the paschal vigil at midnight, as well as the faithful who are to receive Holy Communion at such a Mass, are obliged to observe the fast according to canons 808 and 858, § 1 respectively.

2. If the Mass of the vigil, in some particular case, according to η. II, 4 of the "Ordinances" of the S. C. of Rites, is celebrated before midnight, the norms of the Constitution *Christus Dominus* and of the Instruction of the Holy Office are to be observed.

His Holiness Pius XII by divine Providence Pope, on this 7th of April, 1954, approved this Decree and ordered that it be published.

Given at Rome, from the Holy Office, 7 Apr., 1954.

AAS 46-142; Holy Office, 7 Apr.. 1954.

Eucharistic Fast: Extension of the Provisions of *"Christus Dominus"* (Pius XII. *Motu proprio,* 19 March, 1957) AAS 49-177.

This *Motu proprio,* entitled *Sacram Communionem,* is as follows:

In order that the faithful might be able to receive Holy Communion more frequently and to fulfill more easily the precept oi hearing Mass on days of obligation, at the beginning of the year 1953 We promulgated the Apostolic Constitution *Christus Dominus,* by which We mitigated the discipline of the eucharistie fast and We gave local Ordinaries the faculty to permit the celebra-

- *Ibid.,* p. 34.

1 See this volume, under present canon.

tion of Mass and the receiving of Holy Communion in the hours after noon, on certain conditions.

The time during which the fast was to be observed before Mass or Holy Communion celebrated or received in the hours after noon, We reduced to three hours for solid food and one hour for non-alcoholic drink.

Moved by the abundant benefits which have been experienced from this concession, the Bishops have thanked Us very heartily, and many of them, for the greater good of the faithful, have earnestly and repeatedly asked for the faculty to permit the celebration of Mass in the hours after noon every day. They have also asked that We establish the same time for observing the fast before Mass or Holy Communion which is celebrated or received in the morning.

In consideration of the notable changes which have taken place in the order of labor and public offices as well as in the whole tenor of social life, We have decided to grant these earnest requests of the Bishops, and We consequently decree as follows:

1. Local Ordinaries, excepting Vicars General without a special mandate, can permit the celebration of Mass in the hours after noon every day, if the spiritual good of a notable part of the faithful require it.

2. The time for the keeping of the eucharistie fast by priests before Mass and by the faithful before Holy Communion, either in the morning hours or in those after noon, is limited to three hours as to solid food and alcoholic drink, and one hour as to non-alcoholic drink; the fast is not broken by drinking water.

3. The eucharistie fast for the time stated above is to be observed also by those who celebrate Mass or receive Holy Communion at midnight or in the first hours of the day.

4. The sick, even though not confined to bed, can take non-alcoholic drink and true and proper medicines, either liquid or solid, without limitation of time, before celebrating Mass or receiving Holy Communion.

But We earnestly exhort priests and the faithful who are able to do so, to observe the ancient and venerable form of the eucharistie fast before Mass or Holy Communion.

Finally, let all who benefit from these faculties do their best to repay the favor received, by more shining examples of Christian living, especially by works of penance and charity.

M!

The provisions of this *Motu proprio* Apostolic Letter become effective from the 25th of March, Feast of the Annunciation oi the Blessed Virgin Mary.

All things to the contrary notwithstanding.

Given at Rome, from Saint Peter's, on the 19th day of March, Feast of Saint Joseph Patron of the Universal Church, in the year 1957, the nineteenth of Our Pontificate.

AAS 49-177; Pius XII, *Motu proprio* Apostolic Letter, 10 March, 1957.

Annotations, *Periodica,* 1957, p. 220 (Hürth).

The *Sacram Communionem* Changes Nothing in the Law as to When Holy Communion May Be Distributed (Holy Office, 13 April, 1957) Private.

The following notice was sent by order of the Holy Office to the professors at the Pontifical Gregorian University, Rome.

Since here in The City rather lax opinions are being circulated as to the times when Holy Communion may be distributed to the faithful, official notice is sent to the Rector of the Universit) that he is to inform all the professors that according to the mind of the S. Congregation of the Holy Office the *Motu Proprio, Sacram Communionem,* of 19 March, 1957, changed nothing on this point from what is set down in the Instruction of 6 January, 1953, of the same Sacred Congregation.

Therefore, when there is question of the evening, Communion may be distributed only "*within* Mass, or just *before* or *immediately* after" (N. 15) (/1/1S 1953, p. 50).

(Private); Holy Office, 13 April, 1957; reported by Hürth in *Penodia* 46 (1957) 280.

Questions on the *Sacram Communionem* (Pro-Secretary of the Holy Office. June, 1957) Private.

Alfred Cardinal Ottaviani. Pro-Secretary of the Holy Office, wrote an article on the *Motu proprio, Sacram Communionem}* which originally appeared in the 23 March, 1957, issue of *Osservatorc Romano.* This article was later reprinted in the June. 1957. issue of the periodical *Studi Cattolici* to which was then added the following questions and answers. This latter complete

! Reported above under this same canon

article was reprinted in pamphlet form under the title *II Digiuno Eucarislico.* His Eminence writes:

After the promulgation of the *Motu proprio, Sacram Communionem,* the following questions were proposed to the Holy Office or to Ordinaries or were examined in periodicals:

1. May Holy Communion be distributed in the evening, even outside of Mass, according to the norm in canon 867, §4?

Reply: Since no abrogating clause is found in the *Motu proprio* and since, on this point, the new regulations are not incompatible with the preceding ones, provision number 152 concerning the Apostolic Constitution *Christus Dominus* remains in force: "The faithful may freely receive Holy Communion during the aforesaid (evening) Mass or immediately before or immediately after."

As a matter of fact, the provision in can. 821, § 1 has not been abrogated. Consequently, one cannot say that Mass can now be celebrated *by law* in the evening.

Ordinaries, and only local Ordinaries, to the exclusion of Vicars General not possessing a special mandate, can permit an evening Mass for the good of a notable part of the faithful.

Besides, the spirit of the concessions made tends to foster assistance at the Mass by the faithful, and that purpose could be frustrated if Holy Communion were distributed at any hour whatever and at any kind of request.

2. May a solid such as a carmel which is dissolved in the mouth before it is swallowed be considered a liquid?

Reply: No. It must be already a liquid before it enters the mouth.

3. May the celebrant use wine for the ablutions in his first Mass when he will celebrate his second Mass not less than three hours later?

Reply: Since now the two provisions can be carried out simultaneously, the priest who will celebrate his second Mass not less than three hours after his first Mass not only may but ought to perform the ablutions with water and wine as prescribed by the rubrics.

(Private); Pro-Secretary of the Holy Office, June, 1957; translated from the text in the pamphlet *II Digiuno Eiicaristico,* pp. 7-8.

3Sc., of Instruction of the Holy Office, 6 Jan., 1953, reported above under this same canon — Translator's note.

Questions on the *Sacrani Communionem* (S. C. Rit., *Pisan.,* 21 May, 1957; *lanuen.,* 21 June, 1957; *Caictan.,* 21 June, 1957) Private.

I. May Holy Communion be received in the afternoon hours outside of Mass provided only that a fast of three hours is observed?

Reply: In the negative; and let the provisions concerning the Apost. Const. *Christus Dominus,* η. 25, VI,[1] be kept.

(Private) ; S. C. Rit., *Pisan.,* 21 May, 1957.

II. In view of nn. 1-2 of the *Motu proprio, Sacram Communionem,* of 19 March, 1957, do the norms already set down in the Apost. Const. *Christus Dominus* of 6 Jan., 1953, remain in force:

1. *as regards celebrating one Mass* in the afternoon hours;

2. *as regards the time for celebrating Mass* (sc., after four o'clock) ;

3. as regards receiving Holy Communion only during Mass, or immediately before or after, so that *It may not be received outside of Mass.*

Reply: To 1: Another Mass may also be celebrated if the good of a notable part of the faithful demands it.

To 2: In the affirmative.

To 3: In the affirmative.

(Private); S. C. Rit., *lanuen.,* 21 June, 1957.

III. Can the bishop permit an evening Mass on feast days together with the celebration of a marriage ceremony?

Reply: *He can permit it* if the good of a notable part of the faithful demands it, not, however, for the convenience of a single family.

(Private) ; S. C. Rit., *Caielan.,* 21 June, 1957.

All three questions reported in *Ephemerides Liturgicae,* 71 (1957) 316; annotations in *The Clergy Review,* 43 (1958) 103 (O'Connell).

[1] Sc., of Instruction of the Holy Office, 6 Jan., 1953; "n. 25" must be a printing error for "n. 15."

CANON 859

Use of Reason Required: Meaning. See c. 854; Pres. Cod. Com., 24 Feb., 1920.

CANON 862

The Practice of the So-Called "Community Masses" (Assembly of Cardinals and Archbishops of France, 1953; Archbishop of Bordeaux, 1953) Private.

At its meeting of March, 1953, the Assembly of the Cardinals and Archbishops of France approved the following note proposed by the Episcopal Commission on Pastoral Theology and Liturgy:

It has often been noticed of late that on the occasion of certain clerical gatherings the priests readily omitted to celebrate their own private Mass in order to assist together at the Mass of a single celebrant and to receive Holy Communion ostentatiously at that Mass. Their intention is thus to perform a gesture of unity and to emphasize for everyone the intimate union of the community offering the Holy Sacrifice with the priest who consecrates.

This manner of acting, commonly designated as the "Community Mass" *(Messe communautaire)* calls for the following observations on the part of the /Assembly:

I. In itself, such a practice cannot be condemned, since priests are not obliged to celebrate Holy Mass every day. Canon Law and the *Pontifical* even countenance ceremonies of this sort on Holy Thursday' (canon 862) and on the occasion of the Diocesan Symod: *"Pontifex celebrat missam et praebet clero Sacram Communionem" (Pontifical).*

II. But the circumstances under which this Communion of the clergy is provided for show that there is question of special and exceptional cases. No argument can be drawn from it in favor of a practice which could not become general and be left to private initiative without presenting grave difficulties.

There is danger that such a practice might cause astonishment in the faithful when they notice that priests easily dispense themselves from saying their Mass, contrary to the custom of celebrating daily, which is actually general and is encouraged by the Church.

There is danger that this may diminish in the faithful, and perhaps even in some priests, the due appreciation of the valut of private Masses.

This consequence would be the more regrettable inasmuch as it seems on the contrary opportune to reinforce the faith of Catholics as to the infinite value of the Holy Sacrifice, and to multiply the number of Masses rather than voluntarily to diminish it.

III. Moreover, this practice would not merely present difficulties but it would merit *blame* and *reproof,* if it were based on the false notion that the omission of a Mass is of slight importance and that a collective gesture of unity is better than the offering of a number of private Masses.

This reasoning would be false in preferring what is secondary to what is essential, and attaching more importance to an external gesture of unity than to the reality of the Sacrifice.

One who is tempted to think thus ought to reread attentively the formal teachings of the Encyclical *Mediator Dei.* Although the occasional practice of "community Masses" in the sense indicated above is not directly aimed at in the Encyclical, it is evident that the voluntary omission of private Masses for no other reason than that of assisting at a community Mass is not in the spirit of the texts cited and is not in accord with the teachings of the Pontiff on the value of private Masses.

It must be remembered that every Mass, even a private one. benefits all the faithful, living or departed, for whom the Holy Sacrifice is offered; it benefits the priest celebrant, who finds in it an incomparable source of light and strength, and who has it as his highest mission: *"Sacerdotem oportet offerre";* it benefits the whole Church, which receives salutary grace from it; finally, through it God is more perfectly glorified. By receiving Holy Communion instead of celebrating Mass, the priest is content by his own act to deprive humanity of the grace which is so perfectly described in the Secret of the Mass for the IX Sunday after Pentecost: *"Quoties huius hostiae commemoratio celebratur, ofus nostrae redemptionis exercetur."*

Can he be in the right who, neglecting the value of such grave doctrinal declarations, would depart from the tried practice oi the Church in order to follow rather the inspirations of his own religious sentiments?

IV. Having made these observations and recalled these principles, it is right that we should acknowledge that certain reasons may induce a priest to prefer receiving Communion to celebrating Mass; for example, when a great number of priests are gathered, and the time or the places are not adequate to permit each one to offer personally the Holy Sacrifice under suitable conditions.

As there may be other reasons which would incline a priest to such a choice, it seems necessary that the Ordinaries be the judges of their value, in order to avoid abuses and exaggerations.

It therefore seems desirable that Their Excellencies the Bishops, in the name of discipline, forbid manifestations of this sort unless their express permission has been duly asked for and obtained.

(Private); Assembly of the Cardinals and Archbishops of France, 1953; reported in *Documentation Catholique,* 1953, col. 585, from the diocesan weekly of Bordeaux, 3 April, 1953.

Note: This report is accompanied by the following notice on the part of the Archbishop of Bordeaux: "In consequence of the above, His Grace the Archbishop expressly requires that the necessary authorization for community Masses be always asked of him in advance. Without such permission this practice is forbidden in this Archdiocese."

J4 of This Canon is Not Applicable to hours at which evening Masses are allowed by new Eucharistic legislation. See c. 858; Holy Office, 13 April, 1957; Pro-Secretary of Holy Office, June, 1957; S. C. Rit., *Pisan.,* 21 May, 1957 and *lanuen.,* 21 June, 1957.

CANON 906

Use of Reason Required: Meaning. Sec c. 854; Pres. Cod. Com., 24 Feb., 1920.

CANON 925

When a Plenary Indulgence Is to Be Gained on the Usual Conditions, Some Other Prayer Must Be Added to Those for the Intentions of the Holy Father (S. Paen., 15 June, 1954) Private.

The Procurator General of the Order of Friars Minor, prostrate at the feet of Your Holiness, humbly proposes the following question:

Whether, for a plenary indulgence which is to be gained on the usual conditions, besides the prayer for the intentions of the Holy Father, some other prayer either oral or mental must be added in the very visitation of the church.

Reply: In the affirmative.

(Private); S. Paen., 15 June, 1954; N. 5515/54; published in *Acta Ordini· Fratrum Minorum,* August, 1954, p. 212. The document was kindly sent to us for publication in the Canon Law Digest, by the Reverend Walter Bedard, O.F.M., Rector of Regina Clcri Seminary, Regina, Saskatchewan

Note: This additional prayer may be even a brief ejaculation. It is required in order to fulfill the definition of a "visit to a church," since, according to the Declaration of 20 Sept., 1933 (AAS 25-446; Digest, 1, p. 458), such a visit *in itself* (i.e., independently of the other "usual conditions'') must include some oral or mental prayer.

However, if a plenary' indulgence is to be gained, not on "the usual conditions" but on special conditions which include a visit to a church and the recital of rJine prescribed prayers in the visit itself, then the special prayers so recited fulfill also the requisites for the "visit to the church"; so that in that case no additional prayer is required. By its very terms, the above reply' does not apply' to such cases.

Way of the Gross in Public: Further Interpretations (S. Paen., 18 June, 1954) Private.

A reply of the Sacred Penitentiary (N. 5516/54):

Questions: The Procurator General of the Order of Friars Minor, prostrate at the feet of Your Holiness, humbly presents the following questions on the pious exercise of the Way of the Cross:

I. Where the Way of the Cross is performed in public:

a) Is it necessary that a priest with two clerics or choristers make the round of the Stations?

b) Can a religious who is not a priest take the place of the priest?

Reply: Ad I: u) In the affirmative; *b)* In the negative.

II. As regards movement from place to place in making the Way of the Cross, may the method which was allowed to religious communities and the like according to the Decrees of 27 Feb.. 1901, and 7 May. 1902, and the Replies of the Sacred Penitentiary' of 20 March, 1946,[1] be followed only in their semi-public

[1] AAS, 38-160; Canon Law Digest, 3, p. 387.

oratories, or also in the churches where the common exercises of piety are usually performed?

Reply: In the affirmative also for the churches, provided the faithful mentioned in the petition use them as semi-public oratories.

(Private); S. Paen., IS June, 1954; *Acta Ordinis Fratrum Minorum,* 1954, pp. S3, 213; *Commentarium pro Religiosis,* 1954, p. 289.

Rosary: New Indulgence for Family Recitation (S. Paen., 11 Oct., 1954) AAS 46-552.

His Holiness Pius XII, in the audience with the undersigned Cardinal Major Penitentiary held on 11 October, 1954, willingly acceding to the petitions of certain Bishops, "in order that family life may be resplendent with inviolate fidelity,"[1] in addition to the partial indulgence of ten years to be gained once on any day and the plenary indulgence to be gained twice a month for the family recitation of the Rosary of the Blessed Virgin Mary, which have already been granted,[2] graciously deigned to grant in favor of the faithful who recite a third part of the Rosary in the family daily for one week, a plenary indulgence to be gained every Saturday and moreover on two other days of the week, and besides on each of the Feasts of the Blessed Virgin which are on the Calendar of the universal Church,[3] provided that, having duly confessed, they receive Holy Communion. All things to the contrary notwithstanding.

Given at Rome, from the Sacred Apostolic Penitentiary, the 11th of October, on the Feast of the Maternity of the Blessed Virgin Mary, 1954.

AAS 46-5S2; S. Paen., 11 Oct., 1954.

Note: To the Feasts of Our Lady mentioned in the ofFicial footnote 3, must now be added the Feast of the Queenship of Mary, established for the universal Church, to be celebrated on May 31st through-

[1] Encyclical, *Fulgens Corona.*

[2] *Enchiridion Indulgentiarum,* cd. 1952, n. 395 b).

[3] 'Immaculate Conception,Purification, Apparition of Our Lady at Lourdes, Annunciation, Seven Dolors (Friday after Passion Sunday), Visitation, Our Lady of Mt. Carmel, Our Lady of the Snows, Assumption, Immaculate Heart of Man'. Nativity of Our Lady, Holy Name of Mary', Seven Dolors (15 Sept.), Our Lady of Ransom, Holy Rosary, Maternity, Presentation.

out the world. Pius XII, Encyclical, *Ad Coeli Reginam,* 11 Oct., 1954 (AAS 46-625).

Little Office of the Blessed Virgin: Indulgence Valid for New Enlarged and for All Congregations of Sisters (S. Paen., 11 March, 1955) Private.

Petition: The Superioress General of the Congregation ol Sisters of the Holy Cross, whose motherhouse is in Menzingen in the Diocese of Basle, prostrate at the feet of Your Holiness, humbly prays that the indulgences already granted for the recitation of the Little Office of the Blessed Virgin (cf. *Enchiridion Indulgentiarum,* ed. 1952, n. 318) be extended to the recitation of the same Little Office in the new and enlarged form edited by Father Augustine Bea, S.J., not only in favor of the Sisters of the aforesaid Congregation, but also of other religious Institutes who may now use or may in future use this new edition of the Little Office of the Blessed Virgin.

Reply: The Sacred Apostolic Penitentiary, in virtue of the faculties granted to it by His Holiness Pius XII, graciously grants the favor according to the terms of the petition. All things to the contrary notwithstanding.

(Private); S. Paen, 11 March, 1955. *Commentarium pro Peligiosis,* 1955. p. 26.

Note. See also the summary of the practice of the S. C. Rel., regarding the substitution of the Breviary for the Little Office, reported in this same volume under canon 489. The Letter of the Holy Father to these same Sisters of Menzingen, which is reported in the note, makes reference to this same edition of the Little Office.

Christian Families: Prayer for, composed by His Holiness, Pius XII. partial, 1000 days each lime. S. Paen. 13 Jan., 1957 (AAS 49-43).

Doctors' Prayer: Composed by His Holiness Pius XII; partial, three yean S. Paen, 10 May, 1957 (AAS 49-42S). English version: *The Pof' Speaks,* 4(1957)191.

Holy Infancy: Devotions for any twelve successive Sundays in honor oi the Holy Infancy of Our Lord; plenary, on usual conditions. S. Paen 4 June, 1957 (AAS 49-429).

Lawyers' Prayer: Composed by His Holiness Pius XII; partial, 500 days each time. S. Paen., 24 May, 1955 (AAS 47–422).

Lourdes: Jubilee indulgence for pilgrims visiting the grotto from 11 Feb 1958 to 11 Feb., 1959. Pius XII, Ap Const., 1 Nov . 1957 (AAS 49-1051) *The Pope Speaks,* 4 (1957)–259.

Our Lady of Lourdes: Prayer to, composed by His Holiness Pius XII, to be recited at the grotto; partial, three years. S. Paen., 10 May, 1957 (AAS 49-427). English version: *The Pope Speaks,* 4(1957)146.

Priestly Vocations: Prayer for, composed by His Holiness Pius XII: ten years each time; plenary on usual conditions if recited daily for one "month. S. Paen., 6 Nov., 1957 (AAS 49-1046). *The Pope Speaks,* 4(1957)392.

Religious Avocations: Prayer for, composed by His Holiness Pius XII; ten years each time; plenary on usual conditions if recited daily for one month. S. Paen., 9 Feb., 1957 (AAS 49-100). English version. *The Pope Speaks,* 4 (1957)-29.

Rosary: Indulgence of fifty days once a day for kissing the Rosary one is carrying, and reciting the first part of the Hail Mary. S. Paen., 30 March," 1953 (AAS 45-311).

Rosary of Seven Dolors: Plenary indulgence once a day for reciting before the Blessed Sacrament, with confession and Communion. S Paen., 15 Jan, 1954 (AAS 46-73).

CANON 941

Three Questions Concerning "Re-animation" (Pius XII, Allocution. 24 Nov., 1957) AAS 49-1027.

An Allocution of Pius XII to members of the medical profession at Rome, on the 24th of November, 1957, is as follows:

Doctor Bruno Haid, head of the anesthesia section of the surgical department of the University of Innsbruck, has proposed to Us three questions in medical ethics which concern what is called "re-animation." It gives Us pleasure, gentlemen, to answer this request which shows how deeply conscious you are of your professional duties, and your willingness to solve the delicate problems which confront you, in the light of the Gospel teaching

According to the presentation of the matter by Dr. Haid, the modern practice of anesthetics is concerned not only with problems of analgesia and anesthesia properly so called, but also with "re-animation." In medicine, and specifically in anesthesiology", this term means the technique capable of giving relief in certain accidents which seriously threaten human life; in particular, cases of asphyxia which hitherto, before modern anesthetic equipment was available, brought about within a few minutes the stopping of the heart action and death. The task of the anesthetist is thus extended to acute breathing difficulties brought about by strangulation, or resulting from open wounds in the chest and lungs. He intervenes to prevent asphyxia caused

by the internal obstruction of the breathing passages owing to stomachic seizure or to drowning, to give total or partial relief to paralysis of the respiratory system in cases of severe tetanus, infantile paralysis, gas-poisoning, cases of hypnotism or drunkenness, or even in cases of a centralized paralysis of the breathing system resulting from serious wounds to the skull.

When "re-animation" is being used during the treatment of wounds in the skull, and sometimes for brain operations, and for those who have suffered damage to the brain from anoxia and remain plunged in a state of complete unconsciousness, there arise questions in medical ethics which bring into play principles of natural philosophy even more than those of the practice of analgesia. Thus it comes about that the science of anesthetics, e.g. in the accidents and diseases indicated above and where the treatment offers reasonable chance of success, can improve the general condition of patients who are suffering from serious brain damage and whose chances, from the start, appeared desperate: it restores the power of breathing, either by hand massage or by means of special apparatus, clears the respiratory tracts, and provides nourishment for the patient. Thanks to this method oi healing, and in particular through the administration of oxygen by artificial respiration, the failing circulation is revived, the appearance of the patient improves — often very quickly—to the point where the anesthetist himself, or any doctor who relying on past experience would have abandoned the struggle, now continues to nourish a faint hope of seeing natural breathing re-established. Normally, the family consider the improvement a startling result, for which they are grateful to the doctor.

If the damage to the brain is so serious that it is very probable even almost certain, that the patient will not survive, the anesthetist has to ask himself the searching question regarding the value and purpose of the processes of "re-animation." To gain time and to proceed to further measures with greater certainty. he will immediately apply artificial respiration by means of intubation and the clearing of the respiratory tracts: but he may then find himself in a difficult position if the family consider these efforts as unseemly, and decide to oppose them. Generally that situation arises, not at the beginning of the attempts at re-animation, but when the patient's condition, after a slisht improvement, no longer shows progress, and when it is clear

that it is artificial automatic respiration alone which is maintaining him alive. The question then arises whether one ought, or whether one can, continue attempts at re-animation though the soul may perhaps have already left the body.

The solution of this problem, already difficult in itself, becomes more so when the family — perhaps Catholics — insist that the doctor treating the patient, and particularly the anesthetist, remove the respiratory apparatus in order to permit the patient, already virtually dead, to depart in peace. Hence a fundamental question arises from the religious point of view and for natural philosophy: when, according to Christian belief, has death taken place in patients for whom modern processes of re-animation have been employed? Is Extreme Unction valid at least as long as cardiac action can be verified, even if vital functions properly so called have already passed away, and if life depends exclusively on the functioning of the respiratory apparatus?

The problems which present themselves in the modern practice of re-animation can therefore be set down in three questions: first, is there a right, or even an obligation, to employ modern equipment for artificial respiration in every case, even in those which, in the doctor's opinion, are reckoned to be completely beyond hope? Second^ is there a right or an obligation to remove the breathing apparatus, when after several days the state of complete unconsciousness shows no improvement, whereas, if it is removed, the circulation will stop within a few minutes? What should be done in this case if the family of the patient (who has received the last sacraments) insists that the doctor remove the apparatus? Is Extreme Unction still valid at this moment? Third, a patient is completely unconscious by paralysis at the nerve centers, but life — that is, the circulation of the blood — is maintained thanks to artificial respiration, without, however, any improvement being brought about after several days: ought he to be considered dead *de jacto,* or even *de iure?* Must not one wait, in order to consider him dead, until, in spite of the artificial respiration, the circulation of the blood comes to a stop?

We shall gladly answer these three questions: but before examining them We wish to set forth the principles which enable Us to give the reply.

Natural reason and Christian ethics declare that man (and anyone obliged to take care of his fellow creature) has the right and the duty, in case of serious illness, to take the means required to preserve life and health. This duty which he has toward himself, toward God, toward human society, and ven· often toward certain definite persons, flows from well-ordered charity, from submission to the Creator, from social and even from strict justice, such as filial duty toward his family. Normally, however, it obliges to the use of ordinary means only (according to circumstances of persons, places, times, and stage of civilization); that is to say, those means which do not impose any extraordinary expense on himself or on others. A stricter obligation would be too heavy a burden for the majority of mankind, and would hinder the acquiring of higher goods of greater importance. Life, health, all temporal activity, are in fact on a lower plane than spiritual ends. This being granted, it is not forbidden to do more than is strictly necessary to preserve health and life, provided there is no failure in more serious duties.

With regard to the administration of the sacraments to a man completely unconscious, the answer is derived from the teaching and practice of the Church which, for its part, follows as the rule of action the will of Our Lord. Sacraments are destined, by divine institution, for men in this world for the duration ol their earthly" life, and, baptism excepted, presuppose baptism in their recipient. One who is not a man, or not yet a man, or no longer a man, cannot receive the sacraments. Besides, if a person expressly refuses them, they cannot be administered against his will. God forces no one to accept sacramental grace. Where there is ignorance as to whether some one fulfills the conditions requisite for valid reception of the sacrament, one must try to resolve the doubt. When this proves impossible, the sacrament is conferred with at least a tacit condition (expressed by the clause *"si capax es,"* which has the broadest range). For sacraments were instituted by Christ for men so as to save their souls; and so in case of extreme necessity the Church has recourse to extreme measures in order to communicate to a man grace and sacramental aid.

The question of the fact of death and that of the establishing either of that fact *{de facto)* or of the legal existence of the state *{de hire)* have, with regard to their effects even in the realm of ethics and religion, an even wider range. What We

have just stated on the essential conditions for the valid reception of a sacrament has shown this. But the importance of the matter extends also to effects in matters of inheritance, marriage settlements and matrimonial cases, to questions about benefices (the vacancy of a benefice), and to many other questions in private and social life.

It is the business of the doctor, and especially of the anesthetist, to give a clear and precise definition of the terms "death" and "the moment of death" of a patient who dies in the state of unconsciousness. For this, it is possible to accept the usual concept of the complete and definite separation of soul and body; but in practice account will be taken of the lack of precision in the terms "body" and "separation." The possible danger that a man might be buried alive can be neglected, since the removal of the breathing apparatus must produce, after a few minutes, the stopping of circulation, and so, death.

In case of an insoluble doubt, recourse can be had to presumptions of law and of fact. In general one should judge in favor of the presumption of the continuance of life, because there is question of a fundamental right received from the Creator, the loss of which must be demonstrated with certainty.

We now pass to the solution of the particular questions.

1. Has the anesthetist the right, or is he even obliged in all cases of complete unconsciousness, even in those which in the judgment of a competent doctor are completely without hope, to use modern apparatus of artificial respiration, even against the will of the family?

In ordinary cases it would be conceded that the anesthetist has the right to act thus, but he has not the obligation, unless this is the sole means of satisfying another duty which is morally certain. The rights and duties of the doctor are correlative to those of the patient. The doctor, in fact, has no separate or independent rights with regard to the patient: in general, he cannot act save when the patient gives him authorization, explicitly or implicitly (directly or indirectly). The technique of re-animation, which is here in question, contains in itself nothing immoral: so the patient — if he were capable of a personal decision— could lawfully make use of it, and consequently could authorize the doctor to do so. Aside from this, since these forms of treatment go beyond ordinary means to which there is an

obligation to have recourse, the view that it is a matter of obligation to use them, and consequently to authorize the doctor to use them, cannot be defended.

In general, the rights and duties of the family depend on the presumed will of the unconscious patient if he is of age and "*sui iuris.*" As for the particular obligation of the family itself, it usually binds them only to the use of ordinary means. Consequently, if it appears that the attempt at re-animation is, in fact, for the members of the family a burden such as one cannot in conscience impose on them, they can rightly insist that the doctor interrupt his efforts, and the doctor can legitimately obey There is in this case no direct disposing of the life of the patient, no euthanasia, which would never be lawful; even when it involves the stopping of the circulation of the blood, the interruption of the efforts at re-animation is only indirectly the cause of life ceasing, and one must apply in this case the principle of double effect and of "*voluntarium in causa.*"

2. Thus we have, in essentials, already answered the second question: "Can the doctor remove the breathing apparatus before the circulation has definitely stopped? Can he do so at least when the patient has already received the sacrament of Extreme Unction? Is this sacrament valid when it is administered at the moment when the circulation stops, or even after that time?"

An affirmative answer must be given to the first part of this question, as We have already explained. If the sacrament of Extreme Unction has not yet been administered, an attempt should be made to prolong the breathing until this has been done. As for knowing whether the Extreme Unction is valid at the moment of the stopping of the circulation or even after that moment, an answer by a simple "Yes" or "No" is impossible. If, in the opinion of the doctors, this definitive stoppage indicated the certain separation of soul and body — even if some particular organisms continue to function — Extreme Unction would be certainly invalid, since the recipient would be no longer a man: for that precisely is an indispensable condition for the reception of the sacraments. If. on the other hand, the doctors consider that the separation of the soul and body is doubtful, and that the doubt is insoluble, the validity of the Extreme Unction is also doubtful. But. by applying the normal rules, "the sacraments are for men," and "in case of extreme necessity, one adopts ex-

treme measures," the Church permits the administration of the sacrament — conditionally, however, out of respect for the sacramental symbol.

3, "Given that the circulation of the blood and the life in a patient, completely unconscious on account of a paralysis of the nerve centers, are maintained only by artificial respiration without any improvement being apparent after several days: at what moment does the Catholic Church consider the patient 'dead,' or ought one, according to natural norms, declare him 'dead' (the questions *de. jacto* and *de iure)?"*

(Has death already taken place as a result of a serious skull injury which has brought complete unconsciousness and paralysis of the central respiratory nerves, whose immediately fatal consequences have however been effectively retarded by artificial respiration? — or does it take place, according to the actual opinion of doctors, only with the final stopping of the circulation in spite of prolonged artificial respiration?)

As for the establishing of the fact in particular cases, the answer cannot be deduced from any religious or moral principle; and under this aspect it is outside the competence of the Church. Awaiting the decision, she will preserve an open mind. But considerations of a general nature permit the belief that human life continues as long as vital functions — as distinct from simple organic life — arc manifested spontaneously, or even with the aid of artificial processes. A fair number of these cases are the object of an insoluble doubt and ought to be treated according to the presumptions of law and of fact, as We have declared.

May these explanations guide and enlighten you when you are trying to find the answer to the delicate questions which confront you in the practice of your profession. As a pledge of divine favor, We invoke on you and on all those dear to you, and We grant you with all Our heart, Our Apostolic Blessing.

AAS 49-1027; Pius XII, Allocution, 24 Nov., 1957.

CANON 973

Thorough Examination of Candidates for Orders Strongly Emphasized (Circular Letter, S. C. Sacr., 27 Dec., 1955) Private.

A reserved "Circular Letter to the Most Excellent Local Ordi-

naries in which is emphasized the examination of candidates which is to be made before they are promoted to Orders" is *verbatim* as follows:

Your Most Reverend Excellency,

Great indeed is the pleasure of the Church in these our times to see the great number of candidates for Orders in both divisions of the clerical militia who seriously apply themselves to ecclesiastical training in seminaries and religious institutes under the leadership of skillful Moderators and the careful vigilance of the Bishops and who generously occupy themselves in forming their minds to piety toward God, learning proper discipline, and making themselves ready in the sacred sciences. Thus assisted by divine helps they strive to develop their powers of mind and heart, their natural talents, so that equipped at last with the gifts of nature and of grace of which there is need, they may one day be found worthy'· ministers of God, equal to discharging duly the noble functions of the sacred ministry.

In order, however, that this prosperous state of affairs may continue more assuredly'· and make greater advance in the future and that undesirable factors which may arise be warded off. this Sacred Congregation has judged it opportune to send to the Local Ordinaries this letter which should be of not a little help to them in expediting the work of selecting and religiously training candidates for Orders.

Moreover, a favorable occasion is at hand: for today completes the twenty-fifth year since this same Sacred Congregation sent to the Most Reverend Local Ordinaries the Instruction "On the testing of candidates before they'· are promoted to Orders." December 27, 1930, n. 2819/29 (/Î/1S vol. 23, p. 120 ff.).1

A consideration by this Dicastery of the experience during this interval of time proves that the salutary effects for the production of which the Instruction was drawn up, have, with the help of God, been abundantly reaped in the places where its prescriptions have been diligently carried out. Such action was demanded by canonical discipline of the greatest importance, for it was the protection of this discipline the Instruction sought.i*

1 A parallel Instruction was published by the S. C. for Religious on the testing of religious on December 1. 1931 (/Î.4S vol. 24, p. 74 ff.). Trassiator's Note: Both instructions arc reported in the Canon Law Digest, 1, pp. 463 and 473 respectively.

Thus provident care was taken that candidates often were prevented from receiving the priesthood who were found lacking a divine vocation either because, on their own initiative, after maturely considering this difficult piece of business before God and having looked into the doctrine recalled by the Instruction mentioned above, they found they were not divinely called; or because as a result of the inquiries carefully made with the help of the Ordinaries according to the prescriptions of the same apostolic document, they were found by positive proofs to be lacking canonical fitness for Orders (can. 973, §3).

Just as frequently did it happen that members of Institutes were excluded from the clerical ranks who were being forced to embrace this state as a result of grave fear engendered by outsiders (can. 214), i.e., by their parents or relatives and sometimes by their Moderators, for reasons certainly far removed from the genuine elements of a divine vocation. And this is expressly what the Instruction was intended to effect in order that the later rise of canonical suits for a declaration of nullity of the obligations of sacred ordination might be prevented.

Another effect of the Instruction was that clerics already ordained to sacred Orders short of the priesthood either spontaneously besought the Holy Father to grant them a dispensation from all the obligations of the Order received and allow them to return to the secular life or, as unworthy priests and against their will, they were *ex officio* reduced to the lay state by this Sacred Congregation as a result of petitions made to it by the Ordinaries.

Wherefore there was a most serious dutv to ward off the danger of having advanced to the Order of the sacred priesthood subdeacons and deacons who were unworthy and, having almost completed the course of studies, had advanced to the very threshold of receiving sacred ordination.

It is practically impossible to say how many times gnawing anguish and bitter torment have troubled these pitiable priests who without any divine inspiration have thoughtlessly presumed to have themselves stamped with the sacred priesthood when they had completed the period of training for the sacred ministry. This is clearly brought out by the petitions received here asking for a declaration of nullity of sacred ordination or of the obligations attached to it. But where such a declaration was not obtained

either because a canonical cause of nullity was not had or where the cause introduced in the case was not juridically proved, they are — sad to say — forced to pass their whole life in their unhappy state, content for the most part with simple laicization, i.e., with the obligation of sacred celibacy remaining intact. Moreover, they do not refrain from introducing an almost infinite number of pleas that they be freed also from this burden.

The efforts made by these priests to break down the law illegally must turn out ineffectual so that this discipline may continue in its vigor whole and inviolate. Pity in such cases must be set aside. This law has come down unimpaired to our times from a venerable and very ancient tradition and is found in the Code of Canon Law. Besides, the common good, for the safeguarding of which this law was passed, must prevail over any private convenience. Otherwise, attempts drawn out precisely for the very purpose of weakening the discipline would put an end to it and bring on consequences which with the lapse of time would be of such extent that, perhaps, no one at the present day can measure them. Reports reaching here bring out more than once that in certain places and during certain abnormal circumstances of time, e.g., during the last war, the admonitions and precepts of the Instruction referred to above either have been completely blotted out of memory or have not been adequately observed by all concerned. The resultant effects have flowed in here in abundance.

I. In order that Ordinaries may in the future exercise vigilance more carefully and effectively in examining the divine vocation of students and the fitness of candidates for Orders, this Sacred Congregation, having consulted the Sacred Congregation for Seminaries and Universities, made it its business to look into the principal grounds which priests generally bring forward to the Sacred Apostolic Dicasteries when seeking nullity of sacred ordination or of the attached obligations.

a) More than once they show ignorance of the Instruction referred to above on the testing of candidates. As a result, they assert that they went on to sacred Orders without having duly looked into its prescriptions and without having sufficiently weighed the business of their vocation.

b) Some contend that coming from a poor family they were

sent by their parents or by their parish priest to the seminary or religious college at an early age; they had a very vague notion of the ecclesiastical vocation; they advanced to Major Orders so as to accommodate themselves in a bewildered fashion to the state in which they found themselves. And so it turned out that, not having acquired a proper training for the life in the time available, at the actual time of ordination they hardly had a sufficient realization of the duties which the priestly state imposes and of the dangers connected with the exercise of the sacred ministry.

c) Others affirm that they had no tendency to embrace the clerical state and that they lacked special devotion to God and interest in things sacred. Nevertheless, they were urged on to take sacred Orders by their Moderators who said that divine help would not be wanting to them later on for the proper discharge of their priestly duties.

d) Some there were who recalled undue influence by parents or close relatives: importunate and repeated entreaties, exhortations, and sometimes even serious threats. They were urged to enroll in the ranks of the clergy because of the temporal advantages which would accrue to them and their relatives and because they would attain a more exalted station and distinwished name in civil societv. And thus was broken down their reluctance to enter a state to which they were very greatly averse.

c) Others disclosed they were diffident, disturbed, hesitant, scrupulous, altogether incapable of making any kind of resolution of any importance. They were driven on to sacred Orders only by the prolonged counsels and persuasions of their Moderators. These Moderators did not fear to tell them that if they returned to the world, they would be abandoned by everybody and be left without a means of respectable livelihood since they would be without any skill or profession after having spent quite a long training period of studies in an institution. There were also some who declared they were led on to Orders by the danger of losing eternal salvation and of incurring the pains of hell if they said farewell to the clerical state. These pains their Moderators painted for them in rather glowing colors.

/) But by far the greater source of complaint is brought out

by priests who contend that they have suffered psychic illnesses in the matter of sex, calling them psychasthenia, neurosis, or psychosis. They depict themselves as having an unconquerable and, as it were, a constitutionally bodily proneness toward sensual cravings. These cravings, they say, really torment them with their heat and render them unable to preserve chastity which they declare they have violated at times right up to the last moment before receiving sacred ordination. They repeatedly say that they sincerely and candidly confessed to their spiritual directors their fierce inclination to allurements and their lamentable falls. And yet, despite that, they were not turned aside from receiving sacred Orders. They claim that recourse to ordinary and sometimes to even extraordinary spiritual remedies (e.g., frequent confession and Communion, rather long drawn out penances and abstinences, and even at times the use of hairshirts and corporal mortifications) have not been able to restrain the vehement stimulations of their base passion. Some of these affirm that they have been burdened with anxieties of soul on the question of vocation, especially because of disclosed intimate difficulties in moral matters and sometimes because of the depraved habit of masturbation already contracted in youth and not corrected during the time of studies and conjoined with almost daily lapses. Nevertheless, they were advised to continue on further, even at times through the use of importunate beseechings and exhortations by Moderators who acted like sponsors foolishly expecting a happy outcome to such ordinations.

Relying on these and similar reasons, these priests endeavor to turn the fault of their ordination back on the Moderators of the Institutions as though they had admitted or driven them on to the priesthood when they lacked the required qualities. Going on from there, they boldly demand that, as a correction of the error made bv their directors, ecclesiastical authority send them back to the world free of all the burdens of sacred ordination. On the other hand, frequently it cannot be denied that these charges made by the priests during the trials have only a shadowy appearance of truth, for often the only proof is the statement made by the plaintiff alone, a very interested party, and not by witnesses or documents proved in court.

From all this, however, it does not follow, as we must honestly admit and as is proved from the court actions, that the students

bound over to the clerical ranks have always been armed with a true vocation and have enjoyed full liberty of choice and have been free of pathological and psychic defects.

Wherefore, in order to guard as far as possible against any species of complaint whatever, this Sacred Dicastery wishes by this letter to warn the most excellent Local Ordinaries that they should more searchingly and carefully examine candidates for Orders as to the possession or lack of canonical fitness.

II. In order that the Local Ordinaries may be able to proceed to a better handling of this business which is filled with dangers, they are asked to keep in view the following points:

1. The exact and diligent observance of the above-mentioned Instruction on the part of those who, under their prudent control, administer seminaries.

2. *Each year* the dispositive part of this same Instruction which concerns seminary students is to be read to them as is prescribed *near the end* of it so that they will be without excuse as to ignorance of it and will correctly learn the norms therein set down.

In addition, those in their course of theology who are approaching sacred ordination should be given lectures on this Instruction, especially by the professors of moral theology when explaining the treatise *On Orders*. An accounting of it should be had in the examinations to be undergone by them regarding the reception of the individual Orders (can. 996, §1; 997). Moreover, this must be urged with greater insistency when it is a matter of receiving Major Orders. At that time the candidates should weigh more seriously the heavy burdens attached to them, especially what concerns sacred celibacy, as is provided for in the sworn *Declaration* which is added to the appendix (Form I) of the Instruction. In the retreats before sacred Orders the retreat-masters should speak at length on this subject. Spiritual directors in discharging their office of giving the ordinary short sermons to the seminarians should frequently mention and explain the canonical discipline set down in the Instruction,

3. In the ordinary *Report* on the state of the diocese they are obliged to inform the Apostolic See about the faithful fulfillment of the prescriptions of the Instruction (as is provided for *near the end* of it). The same is to be said of this apostolic letter.

4. Since it is the duty of the bishops to pass final judgment on

the priestly vocation of their candidates, they should the more earnestly examine it together with the canonical fitness of the candidates for Orders (cit. can. 973, § 3; and can. 974, § 1,2°), The examination of the vocation should be carried out according to the norms given by approved authors of moral, ascetical and mystical theology. In addition, with the observance of due caution, consideration should be given to the conclusions drawn in this matter which are arrived at by present day scientific studies in psychiatry and biology provided they are completely free of foul materialism.

Let them call to mind and foster in their students the supernatural motives of a vocation and reject the human considerations which often inspire some of them and their parents, e.g. benefits, conveniences, honors, greater influence among the people, etc.

The canonical fitness of the candidate must be supported by *positive proojs* (can. 973, § 3). Evidence of it must be had from all the requisites and qualities which come under the title of gifts of nature and of grace, among which stands out the *virtue oj chastity.*

The most excellent Ordinaries should consider carefully in their hearts and minds the truly outstanding excellence of priestly chastity and ecclesiastical celibacy as w'ell as the means better suited to protecting it. They should frequently inculcate in their seminarians what Pope Pius XII, happily reigning, clearly describes in his encyclical *Sacra Virginitas* of March 25, 1954 (/US vol. 46, pp. 161-191) and in his apostolic exhortation *Menti Nostrae* of September 23, 1950 (.LIS vol. 42, pp. 657-702).

5. To remove every kind of influence unduly exerted by anybody on the candidate, e.g., fear, threats, importunate beseeching, and the like, whereby the one thus influenced might be urged on to Orders though having no vocation or being unwilling, all that is found set down in § 1, n. 4 of the Instruction should be observed. Canon 971 should be looked to as well as consideration given to the penalty against those who in any way whatever force anyone to receive Orders (can. 2352).

Since it often happens that clerics thus forced hide from their superiors and fellow-students the fear inflicted on them lest they incur the weight of serious harm to themselves, Moderators

should not fail to admonish the young men in a fatherly way that if perchance anyone is unwilling and feels he is being driven on to Orders by fear inflicted upon him, he should with candor and confidence manifest this state of affairs to his superior or parish priest or to some person close to him. Moderators, moreover, should show themselves prepared to give him help so he can come forth unharmed from such a crisis by opening another way, if possible, to obtaining conveniently a respectable livelihood in the world so that he may be saved from the persons inflicting the fear (cf. Instruction, n. 9).

6. When a student declares to the superior that, on the advice of his confessor or spiritual director, he is not suited for the priesthood, the superior should accede to his declaration without further inquiry and, if the student is a subdeacon or deacon, negotiate with the Apostolic See to obtain his reduction to the lay state.

7. When there is question of students who are wavering, doubtful. and disturbed so that they are unable to decide whether to receive or to reject Orders, their Moderators are in truth obliged to divert them from entering the priesthood if they know they are unworthy. Contrariwise, if they believe them worthy, they are to exhort and recommend that they allow themselves to be ordained. Nevertheless, let them refrain from urging ordination and leave the choice of decision to their free will, omitting undue influence as well as recourse to threats of spiritual harm (e.g., the pains of hell) to be incurred if they withdraw from ordination.

8. With regard to proof of the virtue of chastity in seminarians, this should be held as a *general principle:* a student is well able to stand out chaste and pure if he is physically and psychologically normal, and, as a result, is of such character as to be able to respond to the divine grace of vocation with full vigor in both the physical and psychic orders. To put it briefly: it is very necessary for the candidate for Orders to have soundness of both soul and body.

9. If, then, it is discovered that a student has a habit of masturbation and has been morally corrupt since youth, especially by reason of disgraceful relations had with adults or girls, if he has not amended his ways and has not given consistent and lasting proof of his amendment, i.e., tested chastity, in pro-

portion, that is, to the gravity and duration of the base habit contracted, which in every case is not to be less than at least a year, he must be dismissed from the clerical ranks.

10. Very special attention is needed by the student who possibly suffers from sexual psychopathy or hyperesthesia, that is, who must be numbered among those whom psychiatrists classify as neurotics, scrupulous, abulic, hysterical, and, in general, those who are affected by abnormal physiological or psychological defects in matters of sex or by some mental disease (schizophrenia, paranoia, etc.). If he has shown symptoms of a diseased or unbalanced constitution, the Moderators of the Institute should keep careful watch over him and subject him to corporal examination by a doctor who is a real expert in psychiatry, known for his skill, morality and practice of religion, advanced in years, free of the tenets of materialism. The doctor, after prolonged examination, should decide whether, having examined the psychic and physical condition of the student, he is fit to carry with honor to the clerical state the burdens of sacred ordination, especially celibacy. And if he finds him physically and psychically so disposed as to be considered not qualified for Orders, his other qualities, even though outstanding, must be set aside and he must be counseled in a fatherly but firm manner that he should withdraw from embracing the priesthood.

11. To be held back from the priesthood are those who are by nature subject to quite strong propensities to emotion and who exhibit the lamentable traits of parents given over to vice. Attention must be paid to what the Supreme Pontiff Pius XI. of happy memory, declared in his encyclical *Ad Catholici Sacerdotii* of December 20, 1935 (/1/1S vol. 28, p. 5 ff) : "those who show they have a special tendency toward sensuality ... all these were not born and are not fit for this sacred office.l' Therefore, youths of slight constitution with weak bodies, especially those deficient in their nervous system, prone to sexual degeneracy, and still more those laboring from stubborn psychic melancholia and dread or epilepsy, with so-called fixed ideas, or from homosexuality and those suspected of suffering any mental lesion should be held off from receiving the priesth [1]

12. The chastity problem should *ordinarily* be resolved at least during the year preceding theology. The student must have already acquired *habitual chastity (f>roof of chastity shown by*

testing, which demands about a year's proof). If after repeated testing doubt still remains regarding the student's vocation, he must be rejected from the priesthood (cf. encyclical *Ad Catholici Sacerdotii,* III).

13. As to how spiritual directors and the ordinary and extraordinary confessors of candidates for Orders should conduct themselves, confer what has been wisely set forth in the encyclical of Pius XI referred to above and the special norms which may have been set down for this matter in some places by the pastors of souls, each for his own diocese.

14. For the more careful training of candidates for Orders, especially sacred Orders, care should be taken that sacred ordinations be had at the time more fit for them. Thus the *summer season* is thought to be a less fit time for carrying out the proper examination in the sacred exercises preceding Orders. Similarly, it seems very appropriate to exclude the time immediately following and preceding the end of the scholastic year. At this time, as a rule, the students, tired by work and preoccupied in mind because of the examinations recently taken in sacred studies or because of those soon to be taken, lack the required conditions for being properly able to ponder the very serious business of their ordination.

Further, Ordinaries should refrain from too readily seeking apostolic induits to hold sacred ordinations *outside the times set down in the law* (can. 1006). For at the times set down in the canon, in accord with the prescriptions of the liturgy, the whole Christian populace and the priests publicly raise to God at Mass suppliant prayers that the merciful God may send worthy ministers to His Church. Moreover, to those same times the Code of Canon Law has added the law' of fast and abstinence (can. 1252) so that the supplications mentioned may have greater efficacy.

15. As to what concerns the liceity of sacred ordination the provisions in canon 974, § 1 should be kept in view'. With reference to irregularities and impediments which forbid students from receiving Orders, confer canons 975, 983 and the following.

Xow to consider more closely the nonage of candidates: bishops should not immoderately request a dispensation for it nor should they show themselves inclined to dispense from the interstices set down in the law (can. 978) for sacred ordinations.

16. Neither should secular subdeacons and deacons who have been seriously delinquent, especially in moral matters, in their own diocese be allowed to go on probation in another diocese or in a religious congregation. Rather, if they are believed to be clearly unworthy of the priesthood, a dispensation should be sought from the Apostolic See and they must be returned to the world.

17. At a sufficiently early time provision should be made that everything concerning sacred ordinations be on hand. A sufficient amount of time must intervene for this purpose so that in the interval all the documents may be sought out; necessary dispensations petitioned and obtained. Otherwise, it will happen that at the very threshold of ordination *telegrams* will have to be used to ask for induits of dispensation from the Apostolic See or to propose for solution questions regarding candidates for Orders. It is certainly evident that this way of doing things manifests a lack of consideration and negligence in the discharge of this serious duty.

18. When this Sacred Congregation is petitioned for induits of laicization for subdeacons or deacons, and also for priests, although for these last the obligation to observe sacred celibacy remains, the *acts of the investigation* carried out before sacred ordination according to the norm of the Instruction mentioned above and the present letter *must always accompany* the petition. Moreover, this petition must be written by the petitioner and signed with his name and surname. But if the Ordinary sends in a petition to have a cleric in sacred Orders laicized *ex officio* because of admitted shameful or scandalous conduct and there is no hope of amendment and if such a cleric refuses to draw up and sign the petition as above indicated, the Ordinary should not fail to point out this fact.

19. In order to forestall later complaints it should be noted well that the unyielding practice of this Sacred Congregation is never to readmit to the clerical ranks clerics in major Orders after they have been laicized. Moreover, express provision for this is made by adding to the apostolic induit this special clause: *"without hope of readmission to his former state."* As a result, when they voluntarily request such an induit, this should be deeply impressed upon their mind before asking for it, namely, that such clerics should weigh seriously and well

all the consequences of laicization so that when it has been asked for and granted it may not happen that their condition turn out worse than it had previously been and that they regret their new status from which they will be unable to withdraw because it will be useless to interpose appeals.

20. This letter together with the Instruction should be thoughtfully and seriously pondered by all priests and in ecclesiastical assemblies. In addition, a conference on it should be given in retreats to the clergy. Moderators and superiors should recall that on their heads rests the outcome of the examination to be made of candidates to Orders. To them is addressed the exhortation of Pius XI: "Let those who guide the souls of young men reflect . . . how great a responsibility they assume before God, before the Church, and before the young men themselves if they do not take every means at their disposal to avoid mistakes in this matter" (Encyc. *Ad Catholici Sacerdotii,* III).

By means of these norms arranged and harmonized with the prescriptions of the often-referred-to Instruction, this Sacred Dicastery believes that, with the help of God, considerable help is given for carrying out the difficult task of investigating canonical fitness of candidates for Orders. The purpose is that the unworthy may in due time, even at the last moment, be absolutely held off from joining the sacred ranks lest dishonor and disgrace touch the Church of God, and that the worthy may by all means be enrolled as ministers in the service of God, gather rich fruits of holiness, and effectively promote and procure the good of souls, the glory of the Church and the greater honor of God.

Your Excellency should not forget to notify this Sacred Congregation in writing of the receipt of this letter.

Begging every grace of God and with all due respect to Your Excellency, I remain

Devotedly yours in the Lord,

(seal) -F B. Cardinal Aloysius Masella
Bishop of Palestrina Prefect,
F. Bracci. Secretary

(Private); S. C. Sacr , Circular Letter, Trot. N. 5374/55, 27 Dec., 1955; from photostatic copy of original; copies were distributed to superiors of all seminaries in his territory by the Most Reverend Archbishop of Indianapolis.

CANON 1006

Days for Sacred Ordination: Induit for United States Renewed (Ap. Del., 17 March, 1952) Private.

The following letter was sent to the Archbishops and Bishops of the United States by His Excellency the Apostolic Delegate:

N. 249/40 March 17, 1952

Your Excellency:

In virtue of special faculties granted by His Holiness Pius XII, the S. C. for the Discipline of the Sacraments has renewed for another period of three years the faculty "to have sacred ordinations outside the times fixed by law, to-wit on feasts of the double rite of the first or second class, though not of obligation, and on the last Saturdays of May and the first two Saturdays of June, at the close of the scholastic year ... observing the provisions of law, especially the Instruction of the S. C. of the Sacraments of 27 December, 1930, regarding the testing of candidates."[1]

This grant will be in force until February 20, 1955, in favor of all the local Ordinaries of the United States.

In addition, I am pleased to notify Your Excellency that the Holy See has also given the Most Reverend Bishops the faculty to confer Sacred Orders on each of the Saturdays of May and June, for this year. This special grant is therefore limited to 1952, and the Ordinaries who take advantage of it are asked to report the fact to the Apostolic Delegation.

(Private); Ap Del., U. S., 17 March, 1952; reported in *The Jurist,* 1952, p. 247.

[1] This induit seems to have been first granted on 18 May, 1940, is reported in Canon Law Digest, 2, p 249. The Instruction referred to is reported in Canon Law Digest, 1, p. 463. Latest renewal of this facultj is effective until 25 Feb., 1961 (Circular letter No. 249/40, 10 March, 1958, from Ap. Del. of U. S., a copy of which was kindly sent us).

CANON 1023

General Mandate to Require Oath on State of Freedom Not Allowed (S. C. Sacr., 6 Feb., 1920) Private.

The Bishop of Mainz proposed the following question:

Can the Ordinary prescribe by a general mandate that pastors require from all contracting parties mentioned in canon 1023. §2 an oath regarding their state of freedom without it being necessary to have recourse to the Ordinary in every particular case?

The Sacred Congregation of the Sacraments replied:

Let the prescription of the Code be observed.

(Private); S. C. Sacr., 6 Feb., 1920; reported in the *Archiv fiir htholisches Kirchenrecht,* 100 (1920) 28.

CANON 1061

Special Faculty in Japan. Sec c. 1120, Holy Office, 9 Aug., 1954.

CANON 1068

Impotence Consisting in Closed Vagina (Appellate Tribunal of Bologna, 5 Aug., 1954) Private.

A case decided by the Appellate Tribunal of Bologna, 5 Aug., 1954. and fully reported in *Monitor Ecclesiasticus,* 1955, pages 273-294, is especially valuable for its clarification of the jurisprudence of the Rota on impotence consisting in defects of the vagina.

Facts. The vagina in this case was rudimentary, open to penetration to a distance of four centimeters at most, completely closed from that point to the uterus. This defect had existed, antecedently to the marriage, and was declared by experts to be irremediable by any means but the most extraordinarv sureery, which would be dangerous and uncertain of positive results.

Suit for nullity was brought by the man, and the competent Regional Tribunal declared the marriage null on the ground of impotence, 29 Dec., 1951. Appeal was taken to the Rota, under the customary formula: *Utrum sententia Tribunalis Regionalis dici 29 Decembris 1951 confirmanda vel infirmanda sit in casu.*

The Law. Although the present case could be decided on general principles, the Court chose to make a rather thorough study of the Rotal jurisprudence on the subject and to attempt to settle and clarify it.

On the subject of an obstructed vagina, two fairly recent decisions arc cited, in cases whose facts were quite similar, one for validity (Rota. 23 Apr., 1942; Vol. 34, page and number

not given) and the other for nullity (Rota, 23 Dec., 1941; Vol. 33, page 960, Decision n. 89), illustrating a doctrinal divergence, since the Court in one case evidently considered the vagina as having the function only of receiving the semen, in the other, also of transmitting it, that is allowing its passage to the uterus. A similar inconsistency is noted between an earlier case (Rota, 7 Feb., 1927; Vol. 19, page 25, Decision n. 5) and a recent one (Rota, 3 Apr., 1951, reported in *II Diritto Ecclesiastico,* 1954, p. 113).

Similarly, on the subject of a rudimentary, or "monstruous," or artificial vagina, there are contrasting decisions and especially considerable uncertainty in assigning the reasons for nullity when that is declared.

Accordingly the Court considers it necessary to formulate an *accurate anatomical definition of the vagina,* so that the various abnormalities which affect it may be judged with a certain consistency as constituting impotence or not.

In approaching such a definition, the Court rejects certain criteria which it declares inadequate to determine the question of impotence.

a) The length of the vagina is not in itself a decisive factor. Here a decision of the Holy Office of 12 Feb., 1941, on the consummation of marriage, is cited, holding that for the consummation of marriage *"non requiritur ut glans tota intra vaginam versetur."*

b) The circumstance that the vagina may have been constructed artificially, that is by means of surgery, is not in itself decisive.

c) Nor does the essential element consist in the requirement that the vaginal duct be "open at both ends," unless it be added that it must terminate in the uterus.

d) The so-called "monstrosity" of the vagina is no criterion. The term is in itself vague, and can scarcely be understood without a correct notion of what a vagina essentially should be.

The anatomical definition of the vagina which the Court proposes is this: "a duct opening from the vulva, leading to the uterus and communicating with it directly, without regard to whether the uterus itself is open to the passage of the semen or not, nor whether it is a source of corruption, or retroverted, or but faintly discernible."

The Court then proceeds to apply this definition to various defects of the vagina, and first to the occlusion of the vagina at its upper end. If such an obstruction (which can have various forms and causes) is in the vagina itself, the definition of a true vagina is not verified and the case is one of impotence. If, on the other hand, the vagina terminates in the uterus, the case is not one of impotence, even though the uterus is closed or retrovertcd and exerting pressure on the wall of the vagina so as to shut off the aperture of the duct.

To hold that the case first above mentioned (of an obstruction in the vagina itself) is one of impotence, does not contradict the decision of the Supreme Signatura of 27 June, 1931. In that case the Supreme Signatura confirmed a decision of the Rota, *non constare de nullitate,* but the case was one of retroversion of the uterus and therefore falls within the second class of cases above described, where the defect is external to the vagina. That decision therefore constitutes no objection against the position of the Court in the present case, nor against the definition offered for the vagina, which is essentially complete from an anatomical standpoint.[1]

Neither is the decision in favor of impotence and consequent nullity in any way inconsistent with the often cited decision of the Holy Office of 12 Feb., 1941. In that decision the Holy Office held that it is not essential to the notion of consummation of marriage, *"ut glans tota intra vaginam versetur."* A very slight penetration, therefore, would be sufficient according to that decision to satisfy the requirement for the consummation of marriage. Hence the marriage could be consummated, and the impediment of impotence would not exist, in the case of a very short vagina which permitted only that degree of penetration. But that decision is no authority for the contention that the marriage could be consummated and that the impediment does not exist, if the vasina is so occluded that it has no direct communication with the uterus.

Among the anatomical defects of the vagina which constitute impotence are the following: 1) complete or partial absence of the vagina; 2) a transverse obstruction which entirely shuts off

[1] This decision of the Supreme Signatura is briefly referred to in Canon Law Digest, 2, at pages 288 and 339.

its connection with the uterus; 3) an opening of the vagina connecting it with some other organ than the uterus. It is, of course, understood that these defects constitute impotence only if they are antecedent to the marriage and perpetual in the canonical sense. Some of them, e.g., a transverse membrane closing the canal of the vagina, can be remedied by ordinary surgery.

Obstacles to the passage of the semen which are extrinsic to the vagina (retroversion of the uterus, closure of the uterus, or even its absence) are sometimes called "equivalent obstructions of the vagina," but according to correct principles and the definition above given, they do not constitute impotence.

The Decision. *Sententiam Tribunalis Regionalis dici 29 Decembris 1951 confirmandam esse, vetito tamen mulieri transitu ad alias nuptias.*

(Private); Appellate Tribunal of Bologna, 5 Aug., 1954; reported in *Monitor Ecclesiasticus,* 1955, p. 273.

CANON 1070

Disparity of Cult: Presumption of Validity of Marriage Overcome by Proof of Nonbaptism of One Party (Rota, 9 April, 1952) Private.

In this case, *coram* Wynen, 9 April, 1952, the Rota outlined some points of law as follows:

The Law: 1. After a marriage is contracted, if a doubt arises as to the fact of the baptism of one of the parties (the other party having admittedly been baptized in the Catholic Church, or converted to it, before the marriage), the presumption now (since the Code) is in favor of the validity of the marriage (cc. 1070, §2, 1014). This is a presumption *iuris simpliciter,* which can be overcome by contrary proof.

2. On the important practical question of how to prove the negative fact of nonbaptism, the reasoning of the Court may be summarized as follows:

a. Laurentius states that the absence of any positive evidence of baptism is sufficient to prove nonbaptism. "Certainty of nonbaptism is had also when *no argument is adduced* for the fact that baptism was conferred. There is no argument for baptism, and hence baptism is not to be presumed, when the party

or parties had non-Catholic parents belonging to a sect which rejects baptism" *(Inst. lur. Eccl.,* ed. 3, n. 790).

Though it is objectively the same, the Court prefers the statement of Cappello: "This proof sometimes is available only indirectly, that is, through presumptions. As a rule indirect proof must be resorted to in order to establish the negative fact of nonbaptism" *(De Sacramentis,* ed. 3, Xrol. III, n. 420).

b. These presumptions leading to the indirect proof of nonbaptism have been recognized by the Holy Office in a reply given on Aug. 1, 1883, to the Bishop of Savannah *(Fontes,* IV, n. 1083), where it was said: "If the party or parties had non-Catholic parents belonging to a sect which rejects baptism, baptism is not to be presumed"; and again: "If the baptism of the consort is not proved and no certain testimony can be obtained, the judgment as to the validity of baptism and marriage should goto that side which has indications and circumstances *(indicia d adiuncta)* in its favor." It goes without saying that diligent investigation should be made before resorting to indirect proof by presumptions, indications, and circumstances.

c. These principles are but applications of the general rule as toproof of a negative fact as given by Reiffenstuel (II Decretalium. tit. XIX. *De Probationibus,* n. 43), Schmalzgrueber (n. 53), Pichler (n. 5), and among modern authors by Lega *(Commentar, in iud. eccl.,* tom. II, p. 639) and others.

d. The Rota, in a case *coram* Parillo, 14 March, 1927 *(S.R.R. Decisiones,* XIX, n. 13), stated the rule as follows: "Since we are concerned with proof of a negative fact . . . we can use only negative arguments; and if these arguments exclude positive and probable doubt . . . they should be conclusive. . . . For moral certainty, which the judge must have in order to conclude these matters, means certainty which makes a judgment in favor of (he opposite side, *not impossible but imprudent."*

c. Finally, the Court in the present case observes that the judge, in using indirect proof by presumptions, should attend carefully to the prescription of canon 1828, which reads: "Presumptions which are not set up by the law should not be conjectured by the judge, except upon the basis of a certain and determinate fact which is directly connected with the matter in controversy."

Private); Rota, 9 April, 1952; *Monitor Ecclesiasticus,* 1953, p 71.

Nullity Declared for Disparity of Cult Where Non-Catholic Party Feigned Baptism in Order to Marry a Catholic (Rota, 22 Dec., 1954) Private.

Facts. Anne, a girl of a pious Catholic family, became engaged to Ali. When she learned that he was a Mohammedan, she and her family insisted that the marriage could not take place unless he were baptized and embraced the Catholic faith. He took instructions for a while, but was finally dismissed by the priest who was instructing him, as it was evident that he was not in earnest nor in any way disposed for conversion to the faith. Still desirous of marrying the girl, he now proposed that the marriage be celebrated with a dispensation from disparity of cult, a proposition to which she reluctantly yielded. But the Ordinary, at the instance of the girl's parents, refused to grant the dispensation. Finally, Ali presented himself for baptism, was baptized, and the next day the marriage was celebrated as between two Catholics.

It immediately became evident that Ali had no intention of practicing the Catholic religion. He not only neglected its practices but at times ridiculed them, and always stoutly declared that he remained a Mohammedan. The cohabitation nonetheless lasted about seven years. Finally in 1951 legal separation was obtained, and shortly afterward the girl sued for nullity on two grounds: 1) that she had made the man's sincere conversion a condition to her matrimonial consent; 2) that the man's baptism was invalid and hence also the marriage, for disparity of cult.

The Court of first instance found the first claim not sufficiently proved, but held the marriage invalid on the second ground, disparity of cult. The appeal to the Rota was made by both the plaintiff and the Defender of the Bond, each against that part of the decision which was against them.

The Decision. 1. As to the alleged condition, the Court found that the evidence did not sustain it. Although the girl undoubtedly desired strongly that the man become a sincere Catholic, she had nevertheless reluctantly agreed to marry him with the dispensation (which, because of the parents' objection, was never obtained); and in spite of his evident rejection of the faith after his baptism and marriage, she had remained with him.

2. On the second ground the Court declared the marriage null.

The evidence showed clearly that there was no genuine intention on the part of Ali to receive the Sacrament.

(Private); Rota, 22 Dec., 1954; reported in *Monitor Ecclesiasticus,* 1955, p. 00.

CANON 1071

Insincere *Cautiones* Induce Nullity of Dispensation, and Hence Nullity of Marriage if Disparity of Cult Exists (Summary of Cases from Rota, Vicariate of Rome and Holy Office) Private.

At the annual meeting of the Canon Law Society of America in Saint Louis, 13 Nov., 1952, Very Reverend Monsignor J. Norbert Kelly, *Officialis* of the Tribunal of Albany, read a very valuable paper entitled "Insincere *Cautiones* in the Light of Recent Rota Decisions," which was later published in *The Jurist,* Vol. 13, pp. 33-56. At our request Monsignor Kelly kindly sent us authenticated copies of three recent decisions of the Rota, with permission to make use of them and of the article in *The Jurist* for the purposes of the Canon Law Digest. Permission to use the decisions had been graciously given to Monsignor Kelly by Monsignor Francis J. Brennan, Auditor of the Rota. While expressing our thanks for these courtesies, we here present a very brief summary of the facts and the law from each of these decisions, and also a decision of the Vicariate of Rome and some replies of the Holy Office as far as we are informed of them through the Rota decisions and the article in *The Jurist.*

I. Rota, Confirming Decision of Tribunal of Albany, *Coram* Brennan, 26 Jan., 1948.

Facts. This marriage took place before the Church, 7 Jan., 1924. The woman, unbaptized, was a member of the Dutch Reformed Church, the man a baptized Catholic. A dispensation had been obtained from mixed religion and *ad cautelam* from disparity of cult. The usual *cautiones* were signed by both parties. The woman had at first refused to be married by a priest, and had sought by every means to evade signing the promises; finally, "when convinced that there could be no marriage before a priest without that formality, she complied. But immediately after leaving the rectory, she became so angry as to become hysterical, and

absolutely refused to go through with the marriage, unless the man would go with her the next day to her lawyer, and sign before him a set of stipulations which would be the exact opposite of the Catholic *cautiones*. This the man did. The rest of the story is of a piece with this. There were two wedding ceremonies, one before the priest, another before a minister. When the baby was born, while the mother was still in confinement, the devout sister of the husband had it baptized a Catholic. As soon as the mother was able to get about, she took it to her minister and had it baptized a Protestant. And so it went — continual strife and bickering over religion, estrangement, separation, divorce."[1]

The suit was brought by the *Promotor Justitiae* (since the man had been the *causa nullitatis),* 5 Nov., 1937, in the Tribunal of Albany, on two grounds, the second of which was that the dispensation from disparity of cult, and hence also the marriage, was invalid because of the insincerity of the promises. As the Tribunal was doubtful as to whether a *dubium iuris* existed on the proposition of law that insincere promises invalidate the dispensation, the Bishop submitted the whole case as it stood to the Holy Office, and on 25 Nov., 1939, received this reply: "Processus in casu prosequatur apud Tribunal Curiae Dioecesanae, quod sententiam proferat in prima instantia et appellatio fiat ad Sanctum Officium."

The Albany Tribunal rendered its decision 20 July, 1942, declaring the marriage null on two grounds: 1. a condition *contra spirituale bonum prolis;* 2. invalidity of the dispensation from disparity of cult. The Defender of the Bond carried the appeal to the Holy Office, which sent it to the Rota for trial in the second instance on the same grounds.

The Law. The Court rejected the first ground of nullity but confirmed the judgment on the second ground. After citing two earlier Rota decisions in which it had been stated that insincerity of the promises does not invalidate the dispensation (Parisien., 11 Aug., 1921, RD 13-214 and Burdigalen., 3 March, 1942) the Court continues:

"Nevertheless the opinion which denies the validity of the dispensation seems certain, because if the promises are insincere the conditions are fulfilled only in appearance, not in reality; the *contumelia Creatoris* remains. . . . And let it not be objected that

[1] Quoted from Monsignor Kelly's summary in *The Jurist.*

sincerity is nowhere expressly required for the validity of a dispensation. For it is required by the very nature of a *cautio,* which in this matter is a written act by which one solemnly promises something. Now when the Church exacts *cautiones* or promises as a condition for granting the dispensation, it is understood that they are to be given like any other promise. A promise by its very nature is naught else but the manifestation of an actual will to give or provide something in the future. An insincere promise is no true promise, since it contains no actual intention to do the thing in question."

Since the insincerity of the promises was clearly proved, not only by the confession of the woman, but also by the existence of an obvious cause which would explain the simulation, and by the circumstances before, during and after the marriage, the Court held the marriage invalid for disparity of cult, the dispensation having been invalidated by the absence of *sincere* promises.

(Private); Rota, *corain* Brennan, 26 Jan., 1948.

II. Rota, Acting as Court of First Instance *On This Issue,* in a Case From Brooklyn, *Coram* Felici, 4 April, 1951.

Facts. This marriage between an unbaptized Jewish woman and a baptized Catholic, was celebrated before the Church, 8 June, 1927, a dispensation having been obtained from disparity of cult, and the *cautiones* signed. The marriage turned out unhappily and was ended by civil divorce in 1944. Some years later the man brought suit in the Tribunal of Brooklyn asking a declaration of nullity on three grounds: 1. a condition *contra bonum prolis* on the part of the woman; 2. invalidity of the dispensation because the promises were insincere; 3. a condition placed by himself that he gave his consent only if the promises on her part were sincere. The Brooklyn Tribunal refused to consider the second ground and held *"non constare de nullitate,"* the other two grounds not having been sufficiently supported by the evidence. The case was appealed to the Holy Office, which remanded it to the Rota and directed that it be tried also upon the issue which had been excluded by the Brooklyn Tribunal, namely, the invalidity of the dispensation owing to the insincerity" of the *cautiones.* Hence, *on this issue,* the decision of the Rota is one of first instance.

The proof of the insincerity' of the promises consisted of: the sworn testimony' of both parties; that of other witnesses to state-

ments made to them by the woman *tempore non suspecto;* the proof of an obvious cause for the deception; and the circumstances themselves. The parties had been married civilly two years before, the man, a merely nominal Catholic, went through a Jewish ceremony only six days before the Catholic marriage, on the very day that the *cautiones* were signed; he had assured the woman that the *cautiones* were a mere formality and so on.

The Law. The Court held as certain that the insincerity of the promises invalidate the dispensation, quoting with approval the earlier case *coram* Brennan, from the Tribunal of Albany, which is reported above. In addition to the reason given for that decision (namely that an insincere promise is by its very nature no promise), the Court stated the following arguments for invalidity:

a) The Reply of the Moly Office of 10 May, 1941, on *implicit* promises,2 shows that the Holy Office attaches more importance to the sincerity of the act of the will than to the formalities of its expression.

b) The moral certainty required by the law is more a matter of objective foundations for such certainty than of merely subjective reliance on the external promise.

c) Insincere *cautiones* do not secure the end intended by the Church in requiring the promises, namely, they do not remove the *contumelia Creatoris,* but rather aggravate it.

cl) The fact that the Holy Office, in remanding this case to the Rota, directed that the insincerity' of the promises be examined as a cause of nullity, is an indirect proof that the Holy Office considers it certain that if such insincerity is proved the dispensation is invalid.

The Court rejected the other grounds alleged, but held the marriage invalid precisely and solely because of the insincerity of the promises nullifying the dispensation.

(Private); Rota, 4 April, 1951, *coram* Felici.

III. Rota, Confirming the Above Decision of the Rota in the Same Brooklyn Case, *Coram* Brennan, 26 Feb., 1952.

Facts. The same as in the case last reported above: it is the same case.

The Law. Again the Court reviewed the various opinions of

- AAS 33-294; Canon Law Digest, 2, p. 292.

authors on the question of law whether the insincerity of the promises *certainly* (without any *dubium iuris)* renders the dispensation invalid. It also cited the same two earlier decisions of the Rota which had been cited in the Albany case, for the validity oi the dispensation; but now cited also two later Rota decisions against the validity, namely, the Albany case confirmed by the Rota 26 Jan., 1948 (η. I above), and the decision of the other *lurnus* of the Rota in this same Brooklyn case, *coram* Felici, 4 April, 1951 (η. II above). The Court then expressed its conclusion in these terms: "Everything considered, it is certain that the dispensation is rendered invalid if the *cautiones* are given with feigned consent." The reasons adduced for this judgment are the same as those given in the former decision of the Rota in this case, except that no mention is made of the inference to be drawn from the fact that the Holy Office had remanded the case to be tried on this issue. On the other hand an additional argument as to the mind of the Holy Office was drawn from the fact that the Holy Office confirmed a judgment of the *Vicariatus Urbis* of 9 April, 1949, which declared a marriage null on this ground. (Cf. this report, η. IV below.)

The decision therefore was to confirm the judgment of the Rota of 4 April, 1951, *"constare de nullitate,"* on the sole ground that the insincerity of the promises invalidated the dispensation, and hence the marriage was null for disparity of cult.

(Private) ; Rota, *coram* Brennan, 26 Feb., 19S2.

IV. A Decision of the *Vicariatus Urbis,* Confirmed by the Holy Office.

Our information on this case is drawn entirely from the exposition of it by Monsignor Kelly in *The Jurist,* Vol. 13, pp. 45, 46. He states: "The Vicariate Tribunal (9 April, 1949) declared this marriage null *ob cautiones ficte praestitas;* the *Defensor Vinculi* of the Vicariate took an appeal directly to the Holy Office, and the Holy Office ratified and confirmed the sentence of the Vicariate without remanding the case to the Rota for a formal trial in the second instance. This seems to me to constitute the strongest single piece of evidence that has yet come to light to support the proponents of nullity in their contention that *cautiones* given insincerely render the dispensation granted on the strength of them invalid."

The Vicariate decision contained this passage: "The Fathers considered that this last opinion (namely, that feigned *cautiones render the* dispensation invalid) is to be held; for it is not to be presumed that the Church, in requiring *cautiones for validity, makes no account of the internal fact, which is the principal element in human acts. If she requires an external fact, this is only for the purpose of arriving by that means at the internal fact. If consent, or the interior act of the will, is lacking, the Church certainly would not grant the dispensation; hence it is to be inferred that the Church considers also the interior act.*"

Then, as to the argument to be drawn from the Reply' of the Holy Office on implicit promises, 10 *May, 1941,3 the Vicariate decision* continues after quoting the Reply:

"Therefore, if these words are carefully considered, it follows that, for the validity of the dispensation it is required that the contracting party manifest in some way in the external forum the firm intention to meet that obligation; in other words there is required, (a) a firm resolution; (6) a manifestation of this resolve in the external forum. But how can a firm resolve to bind oneself be reconciled with *cautiones* which are insincerely given? And a fortiori there can be no doubt of the invalidity of the dispensation if, notwithstanding the fact that the *cautiones* have been given, the party expressly reveals to others that he has no firm intention to satisfy that obligation."

(Private); Vicariate of Rome, 9 April, 1949.

V. Replies and Decisions of the Holy Office.

The replies and decisions of the Holy Office which throw light on the question have already been mentioned in reporting the above cases. They may be summarized here for convenient reference:

1. The decision of the Holy Office confirming the decision of the Vicariate of Rome of 9 April, 1949, which had declared a marriage null on this ground. This seems to be the only available *direct* decision of the Holy Office on the point.

2. The Reply of the Holy Office of 10 May, 1941, on *implicit* promises, where the Holy Office clearly attaches more importance to the internal act of the will in the *cautiones* than to the external formality.

3 AAS 33-294; Canon Law Digest, 2, p. 292.

3, The Reply of the Holy Office of 25 Nov., 1939, to the Bishop in the Albany case (η. I above), authorizing the trial of the case where one of the issues was the validity of the dispensation given upon feigned *cautiones.*

4. The Reply of the Holy Office to the Rota, 4 July, 1950, authorizing the trial of the Brooklyn case {*coram* Felici, η. II above) also on the issue which had been excluded by the Brooklyn Tribunal, namely the invalidity of the dispensation because of the insincerity of the *cautiones.* On this point, the following quotation from the decision of the Rota *coram* Felici is of interest:

"Finally, let us not forget the fact (which strongly though indirectly confirms our conclusion) that the Holy Office would have made a futile gesture in authorizing the trial also on the issue of the invalidation of the dispensation by reason of feigned *cautiones,* if from that standpoint the case would have had to be dismissed from the outset on account of a *dubium iuris."*

Matrimonial Impediments, Form, *Cautiones,* in China: Further Interpretations (Holy Office, 22 Dec., 1949) Private.

The following communication, officially approved by the Holy Office and sent to the Apostolic Internuncio in China on 22 Dec., 1949, was published soon afterward in the *China Missionary, Hongkong* (Prot. N. 130/48; 1794/49):

The Reply of this Supreme Sacred Congregation of 27 Jan., 1949,[1] to His Excellency Leopold Brellinger, S.J., Ordinary of Kinghsien, regarding the cessation of impediments and of the law of form, and regarding the *cautiones* which are required in case of disparity of cult, was communicated to Your Excellency on that same date; as was also the "Supplement" which was given to that same Ordinary of Kinghsien on 21 Feb., 1949,[2] regarding the required certainty as to the fulfillment of the *cautiones.*

A'our Excellency was given the order and the authorization to inform all the Ordinaries of China in whose territories the same circumstances and necessity exist.

In regard to both these documents, diverse and conflicting interpretations were published in various periodicals; whence it

[1] Canon Law Digest, 3, p 408. *Ibid.,* p. 410.

is said that some uncertainty has arisen as to their legitimate application to the past and in territories outside China, and especially as to requiring the *cautiones* and as to the moral certainty of their future fulfillment. Accordingly the Supreme Sacred Congregation has been asked to remove this uncertainty and ambiguity by an authentic interpretation, and for this purpose the following questions are presented:

1. Whether the Decree of the Holy Office of 27 Jan., 1949. regarding the cessation of the matrimonial impediments mentioned in the said Decree and the cessation of the obligation to observe the form, is nothing more than a declarative interpretation of a law already enacted, so that the Decree (according to ordinary rules of law) is also retroactive and applicable to territories even outside China, where the same circumstances exist or did exist; or whether it is a dispositive Reply, which has its efficacy only from the Decree itself and hence can neither be applied to the past nor extended to other territories?

2. As regards the *cautiones,* lest in view of present circumstances the condition of the faithful be made worse and more difficult than it was before the said Decree, whether (notwithstanding the Supplement of 21 Feb., 1949) the obligation of the faithful as to the *cautiones* can be limited to the grave obligation of the natural and divine positive law to procure as far as possible the baptism and education of all the children in the Catholic faith — and that, only for licitness, not for the validity of a marriage to be contracted with a non-Catholic party?

Replies: The Eminent and Most Reverend Fathers in charge of safeguarding matters of faith and morals, in the plenary session of Wednesday 21 Dec., 1949. decided to reply:

1. The Decree of the Holy Office of 27 Jan., 1949, has the nature of a declarative interpretation and hence can be applied retroactively and in other territories, *only to the extent* that it deals with prescriptions of positive law which, in view of extraordinary circumstances in the territory, cannot be observed; as to other matters, it has the character of a positive provision, which is not retroactive nor applicable in territories not mentioned in the Decree.

2. As regards the giving of the *cautiones,* which are mentioned both in the Decree and in the Supplement, henceforth, as long as the same conditions exist, they are required only for the licitness

and not for the validity of a marriage to be contracted with a non-Catholic party; but the grave obligation of the natural and divine positive law to baptize and educate all the children of both sexes as Catholics always remains firm and unimpaired.

On the following Thursday 22 Dec., 1949, in the audience granted to His Excellency the Most Reverend Assessor of the Holy Office, His Holiness by divine Providence Pope Pius XII deigned to approve the above Decree.

(Private) ; Holy Office, 22 Dec., 1949.

Note: This document was kindly sent to us for the Canon Law Digest by the Rev. Patrick Joy, S.J., Singapore.

Special Faculty in Japan: Sec c. 1120, Holy Office, 9 Aug., 1954.

CANON 1077

Affinity Contracted in Infidelity. Sec c. 97; AAS 49-77.

CANON 1081

Schizophrenia or Dementia Praecox: Independability of Lucid Intervals (Tribunal of the Vicariate of Rome, undated) Private.

Facts. This poor girl was afflicted with schizophrenia, which first manifested itself in 1940, and again in 1941, 1942, 1944, 1946, 1948, 1949, 1950, and 1951, the crisis each time lasting for several months during which she was confined to mental hospitals and the ailment was diagnosed and treated. Between these attacks she had "lucid intervals" during which she was apparently sane. The marriage, whose exact date is not given, took place in the interval between the attacks of 1946 and 1948.

The Law. The decision contains quite an extensive verbatim quotation from a distinguished specialist on mental disorders (Vattuone, *L'uonto c la malattia mentale,* 1954) and briefer quotations from the works of other specialists. It would be unsafe to attempt to summarize this expert material. In general it confirms what was said by the Rota in the decision of 26 Feb., 1952, regarding the characteristics of schizophrenia or dementia praecox.'

'Sec Canon Law Digest, 3, p. 436.

As a rule of evidence the Court states: "When the disorder is of its nature perpetual and incurable, it is presumed to continue at all times, for once insanity is proved, there is a presumption of its continuance until the contrary is proved, especially if the subject shows new signs of the disorder also after the marriage, thus giving rise to a new presumption that the insanity continued also during the intervening time. Thus, when insanity is proved for the time before and after the marriage, it is presumed to exist also during the interval."

Specifically on the unreliability of "lucid intervals," the Court quotes from Gasparri, *De Matrimonio,* IT, n. 785: "To-day many noted physicians believe that one who is insane, especially from youth, is not *sui compos* even during a lucid interval, but that even during such an interval there is a latent insanity. In recent legislation an insane person is never punishable for crimes committed during a lucid interval, nor is a contract entered into during such an interval considered valid. It follows that the validity of a marriage which was entered into during a lucid interval is not free from doubt, and there is a presumption oi lack of consent until the contrary is clearly proved."

The Decision: *Constare de nullitate matrimonii in casu.*

(Private); Tribunal of the Vicariate of Rome, undated; reported in *Monitor Ecclesiasticus,* 1955, p. 68.

CANON 1086

Hypothetical and "Implicit" Exclusion of Indissolubility (Rota, 23 March, 1956) Private.

Facts: This marriage took place in 1933 in the church oi Mount Carmel in the Vicariate Apostolic of Alexandria, Egypt Two children were born, but died in infancy. During the war the man was taken prisoner and confined in a concentration camp from 1940 to 1945. The woman obtained a decree oi separation. The man after his release sued for nullity on the ground that the woman had excluded indissolubility from her matrimonial consent. After two discordant opinions, the case is in the Rota on appeal *(coram* Filipiak).

The Law: The Court clearly stated the fundamental distinction between *simple error* (c. 1084) and a *positive act of the will* excluding an essential property of marriage (c. 1086, §2).

After stating that the evidence in the case proved more than simple error, and was sufficient to prove a positive act of the will contrary to indissolubility, the decision contains the following passages, which we translate *verbatim:*

'In the present case it is well to remember that marriage is invalidated not only by the absolute exclusion of indissolubility, but also by its *hypothetical* exclusion, that is in case of the verification of a determined hypothesis, for example, the unhappiness of the marriage or the infidelity of the other party; and this is true even though the party who contracts in this way does not know nor foresee that the conjugal bond will afterward be broken. For by the very fact that a part}' determines to break the bond in case some certain circumstance is verified, this act of the will by its very nature prevails over the will to contract a true marriage, and therefore it in fact excludes the perpetuity of the bond.

In other words, in order to declare the exclusion of indissolubility, there is required a *positive act of the will,* which is operative actually or at least virtually in the very celebration of the marriage. However, an *explicit* will is not required, for according to common doctrine and the jurisprudence of the Rota, an *implicit will is sufficient.* Certainly one must be said to exclude indissolubility who, although he says that he wishes to contract a true and proper Catholic marriage, at the same time, by la positive act of the will — whether absolute or hypothetical makes no difference — determines to resort to civil divorce. For one who does this is disposed to separate from his partner so as to become entirely free and to reserve to himself the opportunity of passing to another marriage if he so choose. Error or ignorance in which such a person may be as to the means which are available to him to break the bond, does not prevent the marriage from being null, as was observed in a certain Rota decision (R.D. 1940, p. 921), hence there is required *a positive act of the will, at least implicit.* Accordingly, "simple error regarding the indissolubility of marriage, even though it is the cause of the contract, does not vitiate matrimonial consent" (c. 1084).

But it is also true, as was noted in that same decision of the Rota, that "such an error is by no means incompatible with a *will* contrary to the same essential property (indissolubility),"

which alone has the effect of nullifying the marriage bond; and it is equally true that *such a will, at least implicit,* exists in a person who is so persuaded of his right to divorce — notwithstanding the Catholic doctrine to the contrary which he has been taught — that he is quite incapable of abandoning this persuasion, which has become as it were a second nature for him, and there is no reason why he should depart from it in the celebration of the marriage.

Although there was *no explicit agreement* before or at the time of the marriage, excluding indissolubility, there was evidence that before the marriage the woman had openly (and explicitly) manifested her views contrary to the indissolubility of the marriage bond, and she admitted in court that before and at the time of the marriage she had a positive intention to resort to divorce in case things did not turn out well. The Court consequently found that these views must have passed from the speculative to the practical field, from the intellect to the will. *"Si tales idcar atque cogitationes manifestantur occasione litium, quae exardescebant ante nuptias, nullo modo concedi potest ipsas campum voluntatis non invasisse."*

Decision: *Constare de nullitate.*

(Private); Rota, 23 March, 1956; reported in *Monitor Ecclesiasticus,* 1956, p. 438.

CANON 1087

J is et Metus: Sufficiency of Proof: Injustice of Threats (Rota, 7 Nov., 1951) Private.

Facts. Marcelle, while still unbaptized, yielded secretly to the advances of Pierre during about five years. When she began to tire of him, he insisted that she marry him. Completely unwilling at first, she finally yielded to his threats, received baptism, though with very imperfect dispositions, and contracted marriage before the Church in 1931. She proved unfaithful and he obtained a divorce. Both parties formed new alliances. She sued for nullity on the ground of force and fear. The diocesan tribunal decided *non constarc de nullitate* and the case comes to the Rota on appeal.

The Law. Two points of law are of special interest: 1. the injustice of the threats, and 2. the sufficiency of the proof.

1. *The hijustice oj the Threats.* The man had threatened to reveal to the girl's parents the fact of their long-continued illicit relations, unless she should marry him. The Court discusses whether the fear so imposed was unjust in the sense required by the law, and decides in the affirmative. "The revelation of such a crime, especially in a girl, is a serious defamation. And since defamation is a crime, it must be considered gravely illicit and unjust." It should be noted that the man also threatened to kill her; but the threat of revealing her unchastity was considered independently of that.

2. *The Sufficiency oj the Proof.* The Rota criticises the lower Court for having apparently taken too absolutely or applied too rigidly the general rule that one witness is not enough to give moral certainty (cf. c. 1791). Upon the interior psychological fact of subjective fear, obviously only one direct witness is possible, the person who experiences the fear. Upon the exterior facts, namely, the threats and violence which caused fear and the behavior which betrayed fear, there were as a matter of fact other good witnesses. Also, the complete credibility of the woman plaintiff was proved, not by the ordinary perfunctory testimonials of good character, but by very extraordinary testimonials from persons of great worth — the Bishop, the pastor, several distinguished priests — which showed that, after the facts above related, the woman had undergone a complete and very fervent conversion (daily Mass, a thoroughly Christian life, brother-and-sister relations with her present partner for several years, etc.).

On this point a part of the decision *(corain* Mattioli) is particularly worth quoting:

"Fear is proved by witnesses, who, generally at least, should be direct *{de scientia)* and in every way unexceptionable because of their character and the consistency of their testimony. In view of the nature of these cases, the parents and relatives of the parties are not excluded (c. 1757, §3, 3°).

"Moreover, according to accepted doctrine (Gasparri, *De Matrimonio,* 1932, n. 858) and the jurisprudence of this Court, great weight should be given to the testimony of the person who suffered the fear, provided the testimony is entirely consistent and the circumstances before and after the marriage show that he is telling the truth.

"It must be remembered that in matrimonial cases, especially

where fear is the issue, so that a conclusion must be reached concerning the trepidation of the person's soul, that is, concerning an interior fact which no other person can directly know, it would be idle to raise any question about the number of witnesses— a requirement which, for that matter, is not categorically prescribed by the law, but is merely recommended as a norm to be properly applied (cf. canons 1791 and 1869, §3).

"The honorable Judges against whose decision this appeal is taken do not seem to have applied this norm correctly. For it is insinuated in the judgment of first instance that more than one witness *de visu* are constantly and necessarily required in order to have moral certainty: as though, in order to complete the probative force of the testimony of one witness, absolutely nn other means were possible except the testimony of a second or third witness who must also be *direct.*

"On the contrary, in cases of a spiritual nature, it is the weight of the testimony rather than the number of witnesses which must be attentively considered. Hence if the testimony of one person who was present at the events in question is corroborated by that of one or both parties who are especially trustworthy and by that of other persons who knew of these events *temporc nor. suspecto,* and finally'· by certain undisputed circumstances and connected items of evidence, then no question can be raised about a unique or single witness. The facts, about which there is no doubt, speak for themselves, and these are at times more worthy of attention than the living voice."

The Decision: *Affirmative, seu constare de nullitate mclrimonii in casu.*[1]

(Private); Rota, 7 Nov., 1951; *Monitor Ecclesiasticus,* 1953, p. 63.

Grave Fear as Cause of Simulated Consent: Unjustly Inspired by Abuse of Legal Penalty (Rota, 8 July. 1953) Private.

Facts: After a period of growing intimacies between a boy of 18 and a girl of 16, she became pregnant, and pressure was brought upon him to marry her. There was evidence of armed threats from her parents, but these caused no great fear. The girl accused him of rape, and upon this accusation (apparently

[1] This decision was confirmed on appeal by another *Turnus* of the Roti

without trial or conviction) he was *legally* imprisoned and faced a confinement of several years unless he should marry her. Under these circumstances a marriage ceremony was performed in the jail itself, whereupon he was immediately released, but refused consistently to have any relations with the woman, even after the birth of the child. Instead he formed an alliance with another woman, of whom he had two children.

The case was first tried in the Tribunal of the Vicariate of Rome, nullity being claimed on two grounds: grave fear (c. 1087) and simulation of consent (c. 1086). The court excluded the issue of fear, but declared the marriage null for simulation (14 June, 1948). This favorable judgment was reversed on appeal to the Rota, which decided, *Non constare de nullitate* on either ground (2 Apr., 1950).

On a second appeal to another *Turnus* of the Rota *(coram* Mattioli), the issues were, with Papal approval, reformulated as follows:

I. Whether the sentence of the Rota is to be confirmed or reversed;

II. If confirmed, whether His Holiness is to be asked for a dispensation from nonconsummated marriage.

The Law: Two points seem particularly worthy of notice:

1. Even though fear *as a direct cause oj nullity* be excluded (as it is in this case by two concordant decisions on this point) il can still be considered as a *cause leading to simulation oj consent,* and the consequent nullity of the marriage on that ground.

2. Grave fear, even though it proceed from the application of a legal penalty which is in itself just, may be *unjustly inspired.* Apparently the Court did not question the justice of the law itself declaring this penalty of imprisonment (without trial upon mere accusation of rape), but limited itself to showing that the accusation was proved to be false, and that the threat and actual application of the penalty for the purpose of forcing consent, vas unjust. It cited Gasparri, *De Matrimonio,* ed. 1932, n. 853, for the proposition that fear resulting even from a just law may be unjust in its application for the purpose of extorting consent.

Decision: Upon a review and discussion of the evidence (which we omit), the Court held that the first decision of the Rota should be reversed; that is, the decision now declares the

marriage to have been null for simulation of consent: *Constart de matrimonii nullitate in casu.* The decision on this first issue made it unnecessary to consider the second, namely the non-consummation of the marriage.

This decision became final.

(Private); Rota, S July, 1953. Reported in *Monitor Ecclesiastics* 1956, p. 40.

Grave Fear: Need not be applied precisely to force this marriage. Roti 20 Apr., 1956, *coram* Staffa *(Periodica,* 45-369).

CANON 1089

Proxy Signed by Principal but Lacking the Other Required Signatures Is Invalid Canonically, Even Though Undoubtedly Genuine and Valid in Civil Law *(Vicarialus Urbis,* 1953) Private.

In a case for the nullity of marriage, appealed to the Vicariate of Rome from the tribunal of Naples, the following points of law and fact are worthy of notice.

Facts. The marriage had been celebrated by proxy, and the document by which one of the parties appointed his proxy was signed by the principal, but not by the Ordinary or pastor or their delegate, nor by two witnesses. This was the ground adduced for the alleged nullity of the marriage. The document was admittedly genuine and fulfilled all the requirements of the Italian civil law, having been signed before a Notary with all the formalities of the Italian Civil Code.

The Law. Before the Code, the requisites for a valid marriage by proxy (according to cap. 11, tit. XIX, lib. 1, in VI0) were: a) that the proxy have a special mandate; *b)* that the mandate specify the person with whom the principal wished to contract marriage; c) that the proxy act personally unless he was expressly given the faculty to delegate his power; *d)* that the principal neither expressly nor tacitly revoked the mandate before the celebration of the marriage. No formalities were prescribed for the validity of the mandate. Whatever evidence was adduced regarding the way in which the mandate was given pertained not to the substantive law but to the proof of the genuineness of the mandate.

The Code, however, requires that the mandate be signed by the principal and either by the pastor or Ordinary (or their delegate) or by two witnesses. These requisites are *ad validitatem*. It is no longer a question of merely proving the *genuineness* of the mandate.

The *genuineness* of the mandate may be taken as sufficiently proved from the fact that it was executed before a Notary Public with all the formalities which entitle it to full credit according to the Italian Civil Code. But the *validity* of the mandate must be determined by canon law. According to the Code the mandate is invalid, and consequently so also is the marriage.

Incidentally, the words of the first paragraph of canon 1089, *ymis dioecesanis statutis desuper additis,* arc not to be connected with what follows, *ut matrimonium per procuratorem valide ineatur,* for any further requisites in this matter which might be added by diocesan law would pertain only to licitness, it being beyond the power of local Ordinaries to add invalidating clauses to the requirements of the Code for the validity of marriage.

(Private); Vicariate of Rome; reported without date in *Monitor Ecclesiasticus,* 1953, p. 450.

Marriage by Proxy: Restrictions for Emigrants From Italy (S. C. Sacr. and Diocese of Terracina, 1956) Private.

The following document was published in the Official Bulletin of the Diocese of Terracina for July-August-September, 1956:

The Sacred Congregation of the Sacraments in a Circular Letter of 1 May, 1932 (cf. *Rassegna Ecclesiastica,* July-August, 1932, p. 61), laid down certain regulations for the celebration of marriages by proxy (can. 1089)?

Unfortunately, experience has proved that this form of celebration has resulted in many very serious disadvantages. As a rule marriage by proxy[1] is contracted before the fulfilment of all the conditions required by the emigration laws for obtaining the *"nulla osta"* for leaving the country, and not infrequently the marriage so contracted is found to be wanting as regards the fulfilment of some condition, and consequently the party is unable to emigrate. The typical case is that of a woman who after contracting a marriage by proxy prepares to emigrate.

[1] Cf. Canon Law Digest, 3, p. 448.

but upon medical examination by the proper authorities of the port of embarkation, is found to be physically unfit and so is forbidden to depart.

It is to be remembered that in certain foreign countries which receive emigrants from Italy, the law permits the entry not only of women who are already married but also of those who are *engaged* to men residing in that country, provided the marriage be regularly celebrated within a certain time: for Canada, this period is fixed at one month. Among the countries which allow this, in addition to some Provinces of Canada, must be numbered also Australia.

Now in view of this provision, the Sacred Congregation of the Sacraments has recently asked the Bishops of Italy to observe the following dispositions concerning the marriages of emigrants:

I. In countries which permit the entry of women who are *engaged* to emigrants already living there, and in those countries where such provision may hereafter be made, as a general rule marriage by proxy should not be permitted, but it should be required that the marriage be contracted in the ordinary way, with the contracting parties present, and hence in the country where the man to whom the *girl is* engaged is living. The dangers which threaten girls who emigrate without being already married can be removed or diminished by precautions to be taken by the competent authorities during the voyage and in the foreign country up to the time of the celebration of the marriage with both parties present.

To this end, let the Reverend Pastors take care to suggest to young men who are about to emigrate and who seriously intend to contract marriage with an Italian girl as soon as they have reached the foreign country and established themselves financially, that before leaving they make a *regular promise oj marriage* in writing according to canon 1017 of the Code of Canon Law. so as to be provided with a juridically valid document to present to the competent authorities in order to send for their fiancee.

From young men who have already emigrated, the Pastors shall demand a written declaration, signed by the party himself and subscribed by the local Ordinary or by the Missionary of Emigrants, in which the party promises to marry the girl in question.

whose identity he must determine by general indications. Then the same Pastors are to make sure, by means of another document signed by the girl, that she accepts the man's promise. Once that is done, the Pastors are authorized to issue their own declaration in writing, which can be shown to the emigration officials, to the effect that the parties in question have made a mutual promise of marriage, that is that they are *engaged* to be married.

In this way, even though the disadvantages of marriage by proxy be not entirely eliminated, they will surely be diminished.

2. Marriage by proxy, *which is always to be considered exceptional and extraordinary,* shall be regularly permitted only when there is a just reason for it and always on condition that there is assurance of the *practical possibility* for the woman to rejoin her husband in the foreign country as soon as possible.

Besides the proxy mandate itself, there must always be demanded also a written declaration, *sworn to by the principal* and signed by him and by two witnesses and countersigned by the local Ordinary, by which the man promises that, after having contracted the marriage by proxy, he will present to the Italian Consular Authority a regular *"atto di chianiata"*- for his wife.

But even in these cases marriage by proxy cannot be permitted unless the parties have previously fulfilled all the conditions required by the immigration laws of the respective countries, so that they can obtain the *visa for entry* on their passports, in as far as these conditions are capable of fulfillment before the marriage. And this applies especially when there is question of a disease which prevents the emigration or of a suspicion of undesirability from a political standpoint.

3. It is to be noted that the United States of America do not give any legal effect to marriages by proxy, even though they be civilly registered in Italy: and consequently, in order that a marriage may enjoy' the protection of the local law, it must be celebrated in the ordinary way, that is. in the actual presence of both parties.

(Private); S. C. Sacr., 1956; translated from the Italian text in the July-August-September issue of *Bolletino Ufficialc dcgli Alli Vescovili dclle Dio-*

2 That is, the formal legal request dcmanding that his wife be admitted to the country.

cesi di Terrutina, Priverno, Sezze, which was kindly sent to us by His Excellency Emilio Pizzoni, Bishop of Terracina, Priverno, and Sezze, for the Canon Law Digest.

CANON 1092

Conditional Matrimonial Consent: Nonrevocation of Condition (Rota, 18 March, 1950) Private.

In a case *corain* Mattioli, decided by the Rota on 18 March, 1950, and only partially'- reported in *Monitor Ecclesiasticus,* the following point of law seems particularly worthy of notice.

After explaining at some length the well-known principles oi law regarding the effect of conditional consent in marriage, the Court declared:

"From what has been said it is clear that the statement which was made, inadvertently we are sure, in the otherwise creditable sentence of the Court of first instance, namely, that 'when a party uses marriage before he knows whether the condition which he placed to his consent is verified or not, there is a presumption *iuris ct de iure* that the condition is revoked,' cannot be accepted,'

(Private); Rota, 18 March, 1950; partially reported in *Monitor Ecclesiasticus,* 1954, p. 73.

Note; Compare the above declaration with another Rota declaration reported in Canon Law Digest, 2, p. 325, The Law. 1.

CANON 1094

Delegation: By Latin Ordinary for marriage between Maronite Catholic and baptized non-Catholic woman. See c. 1; Oriental Code Com., Γ Nov., 1952, private.

CANON 1095

Marriage Contracted Before Priest Completely Intoxicated Is Invalid Because of Defect of Form (Rota, 31 Jan., 1929) R. D. 21-75.

In a suit for nullity before the Rota four grounds of nullity were advanced, the third of which charged that the priest who assisted at the marriage was intoxicated at the time. The Rota discusses *the law* on such assistance as follows:

The priest who assists at a marriage as the qualified witness does not discharge his function unless he perceives and under-

stands what is being done; otherwise he is not present in the sense of the law. "One ordered to do something in the presence of Titius is not seen to have done it in his presence unless he understands; as a result, if he is mad or an infant or if he is sleeping, he is not seen to have done the thing in his presence" (*Dig.* 1. 16, *De Verborum Significatione,* I, 209); cf. Gasparri, *De Matr.,* II, n. 1161. An intoxicated person is equated with an insane person, for when complete intoxication is had, it cuts off the use of reason; an indication is present if the intoxicated person afterwards remembers nothing (D'Annibale, II, No. 64, note 11). Wherefore, if the pastor or legitimately delegated priest were to assist at a marriage while completely intoxicated, that marriage would be null because of defect of juridical presence on the part of the qualified witness. Nor does it matter whether the intoxication was involuntary or deliberately sought, for here there is no question of imputability but of the existence of a juridical act or legal presence.

R. D. 21-75, n. 9; Rota, 31 Jan., 1929.

Assistance at marriages of two parties of Oriental rite by Latin pastor or Ordinary is invalid, notwithstanding canon 1095, §1, 2°. See c. 1; AAS 45-312, interpretation of canon 86 of the Oriental Marriage Code.

CANON 1097

Assistance at Marriage: Missionaries of Emigrants (S. C. Consist., 7 Oct., 1953) AAS 45-758.

To prevent doubts regarding the duties of Missionaries of Emigrants, which are treated of in Chapter IV of the Apostolic Constitution *Exsul Familia,*[1] and to set up a uniform method of action, the Sacred Consistorial Congregation declares:

II. Concerning Assistance at Marriages.[2]

a) According to n. 39 of the Apostolic Constitution *Exsul Familia,* a Missionary of Emigrants to whom is entrusted the care of souls, provided the other prescriptions of law are observed, can, within the limits of the territory entrusted to him, validly assist at marriages if one or the other of the contracting parties is his subject.

[1] AAS 44-649; Canon Law Digest, 3, p. 93.

[2] A first declaration made at the same time concerns confirmation in danger of death and is reported under canon 782.

ò) As regards licitness, the prescription of canon 1097, §2 is to be observed, which says: "in every case let it be taken as the rule that the marriage should be celebrated before the pastor oi the bride-to-be, unless a just reason excuses therefrom."

c) With regard to the investigations of the status of the contracting parties, the Instruction of the Sacred Congregation of the Sacraments, *"De Normis a Parocho Servandis in Peragendis..."* issued 29 June, 1941, especially the prescriptions of nn. 4 and 10,1 must be religiously observed.

Given at Rome, from the office of the Sacred Consistorial Congregation, 7 Oct., 1953.

AAS 45-758; S. C. Consist., Declaration, 7 Oct., 1953.

Assistance at Marriages of Catholics of Different Rites: *Always* in th rite of the man and before his pastor. The exception *"nisi aliud particular: ture cautum sit"* of canon 1097, § 2, is abrogated. See c. 1; AAS 45-312, interpretation of canon 88 of the Oriental Marriage Code.

CANON 1102

Priest of Latin Rite Assisting at marriage between Oriental Catholic a&d non-Catholic, or vice versa, Priest of Oriental Rite Assisting at marnait between Latin Catholic and non-Catholic. Sec c. 1; AAS 45-104.

CANON 1120

Pauline Privilege: Special Faculty to Ordinaries of Japan to Dispense From Disparity of Cult and Mixed Religion (Holy Office. 9 Aug., 1954) Private.

The petition for this special faculty and the reply of the Holy Office (in the original Latin for the sake of complete accuracy) are as follows:

Tokyo, 28 May 1954

Beatissime Pater,

Petrus Tatsuo Doi, Archiepiscopus Tokiensis, nomine omnium Ordinariorum in Japonia, ad pedes Sanctitatis Vestrae provolutus, humiliter petit facultatem dispensandi super impedimento disparitatis cultus vel mixtae religionis, cum neophytis qui privilegio Paulino vel Fidei uti cupientes, conversi, interpella-

3 AAS 33-297; Canon Law Digest, 2, p. 253.

done facta et conjuge infideli discedente vel dispensatione super interpellatione rite concessa, gravibus de causis ab ipsis Ordinariis cognoscendis et probandis, conjugem catholicam ducere nequeant, ut cum conjuge acatholica rite contrahere possint, servatis conditionibus can. 1061 et 1071.

Ratio est quia propter paucitatem Christianorum, propter difficultates domesticas, propter ignorantiam et incomprehensionem parentum paganorum, aliquando neophytis admodum difficile est se abstinere a nuptiis cum conjuge acatholica contrahendis.

Et Deus,

Suprema Sacra Congregatio
Sancti Officii

Ex Aedibus S. Officii,
die 9 Aug., 1954

(Protoc. Num. 1349/54)

Exc.me ac Rev.me Domine,

Litteris die 2S Maii 1954 ad S. Officium datis per S. Congregationem de Propaganda Fide. Excellentia Tua Rev.ma nomine omnium Ordinariorum in Japonia petebat facultatem dispensandi super impedimento Disparitatis Cultus et Mixtae Religionis cum neophytis qui, privilegio Paulino uti cupientes, cum parte acatholica rite contrahere possint.

Haec Suprema Sacra Congregatio, examinatis omnibus casus circumstantiis, petitam gratiam de qua supra concedit.

Hanc occasionem nactus impensos aestimationis meae sensus tibi obtestor, permanens,

Exc.ae Tuae Rev.mae addictissimus,

J. Card. Pizzardo
a Secr.

(Private); Holy Office, 9 Aug., 1954; reported in the *Missionary Bulletin,* Tokyo, Vol. 9 (1955), pp. 419-420. The sanie publication contains an ample commentary on the history and use of tins and similar faculties, by Rev. Jean Dufourny, C.I.C.M., in Vol. 9, pp. 511, 595, 758, and Vol. 10, p. 64. For the text and references we arc indebted to the Rev. Francis A. Hayashi, J.C.D.

CANON 1123

Pauline Privilege Applied to Permit New Marriage With a Non-Catholic (Holy Office, 11 Nov., 1949) Private.

The summary of a case decided by the Holy Office (Prot. N 1907/49):

Clara, unbaptized, contracted marriage in 1932 with Ralph, unbaptized, and was separated from him by civil divorce in 1934 In 1936 the parties were reconciled and contracted a new marriage before a civil magistrate. But two years later they again obtained a civil divorce.

The woman attempted another marriage in 1940 with Edward and when Edward died in 1942, she contracted still another marriage with James, a baptized non-Catholic.

In 1948 the woman embraced the Catholic faith.

This Supreme Sacred Congregation, after duly considering everything, decreed as follows:

If the case is as reported, especially as regards the certain lack of baptism in both spouses Clara and Ralph, the Ordinary can apply the Pauline privilege, granting also a dispensation from the interpellations and from the impediment of mixed religion and *ad cautelam* from disparity of cult, for the new marriage. If difficulties arise, the Ordinary can draw up the process as in cases of dissolution of marriage in favor of the faith.

(Private); Holy Office, 11 Nov., 1949; reported by Sego, *Dispensation from the Interpellations* (Cath U., 1951), pp. 190-191, note 26, from TV *Jurist,* 1950, p. 215.

CANON 1125

Application of the Constitution, *Romani Pontificis:* First Plenary Council of India (Holy Office, 27 March, 1952) Private.

The First Plenary Council of India, held at Bangalore in January, 1950, sent the following *postulatum* to the S. C. for the Propagation of the Faith, which in turn sent it to the Holy Office on 12 Jan., 1951:

Postulatum: That, in accordance with the Constitution of Saint Pius V, *Romani Pontificis,* catechumens (previously separated from their legitimate unbaptized matrimonial partner) may be admitted to baptism with the partner with whom they are now living, and without any interpellation of the first wife, may continue permanently in the union in w'hich they are living, this marriage being duly convalidated by a new consent after baptism.

Reply: After mature examination of this *postulatum,* this Supreme Congregation, on Wednesday the 26th of March, 1952,

decreed: In view of the peculiar circumstances of India, the faculty which is asked for in the above petition is granted to the Ordinaries of that region; the same Ordinaries should in individual cases bear in mind the moral, social, and economic condition of the first wife, and see to it that sufficient provision is made for her needs according to the norms of justice, Christian charity and natural equity.

The Holy Father, in the audience of 27 March, 1952, approved the decree granting the favor requested.

This Reply was sent by the Holy Office to the S. C. Prop. Fid., 8 April, 1952 (Prot. N. 341/51).

(Private); Holy Office, 27 March, 1952.

Note: The text of the *postulatum* as sent to the Holy See is given by Sanders in *The Clergy Monthly,* 1952, p. 213, as follows:

"Cum frequenter inter catechumenos repedantur coniuges qui olim. a legitima matrimonii compacte infideli separati, novam unionem inierint, et quos a parte quacum nunc iuncti sunt durissimum et fere impossibile esset separare, praesertim cum ex hac ultima unione liberi nati sunt; atque saepe eodem tempore baptismum petat compars legitima olim derelicta, quae etiam ut plurimum novam unionem contraxerit, Concilium humiliter postulat ut, ad mentem Constitutionis S. Pii V, *Romani Pontificis,* tales catechumeni cum comporte quacum nunc rivant ad baptismum admitti possint et, nulla facta interpellatione, in unione illa permanere, matrimonio post baptismum per novum consensum rite convalidato."

Since this more complete text of the *postulatum* expressly mentions cases where the legitimate wife also asks for baptism at the same time, Sanders holds that the faculty given here applies even to such cases. Some authors, in the minority however (Cappello, Rayanna, ct al.), hold that this is true even under the Constitution *Romani Pontificis* itself, everywhere and independently of this induit. Cf. also Hannan, in *The Jurist,* 1952, p. 441. Both Sanders and Hannan show that, in several respects, the terms of this induit are more restricted than those of the Constitution *Romani Pontificis* itself.

CANON 1127

Privilege of the Faith Again Applied to Dissolve Non-sacramental Marriage Contracted With Dispensation From Disparity of Cult (Holy Office, 2 Feb., 1955) Private.

The following official documents were kindly sent to us by the Right Reverend Monsignor John Galvin, *Oficialis* of the Diocese

of Monterey-l· resno, with permission to publish them in the Canon Law Digest.

VOTUM EPISCOPI

Dec. 10, 1953

Most Holy Father:

Alfred G. Cinelli of Bakersfield, California, in this Diocese, who was baptized Catholic as a child and raised Catholic, having filed with me a petition requesting that I instruct the process for the dissolution of his marriage to Elinor Robins *in favorem fidei* by the Supreme power of Your Holiness, I nominated the following for this duty with instructions that they observe all requirements of law:

Rt. Rev. Msgr. John Galvin, *Officialis,* as *Index Instructor;*
Reverend Amancio Rodriguez, S.T.D., *Defensor Vinculi;*
Reverend Patrick Leddy, *Actuarius.*

Alfred G. Cinelli, born of exemplary Catholic parents of Italian origin, was baptized a Catholic in his infancy and was raised a strict Catholic by his parents who were exemplary themselves He was and is an only child and was raised in a strictly Catholic home, guarded and cared for much by his parents.

During the last war he entered the United States Army. This was the first time he was ever absent from home. Shortly after entering the Army, influenced by loneliness and lack of parental care, he met one Elinor Robins, a nonbaptized lady, and in the excitement of Army life, together with the uncertainty as to when he might be shipped overseas, he attempted marriage with her *coram indice* on January 8th. 1941, in Hancock County, in the State of Indiana. Because of his Catholic raising, his conscience would not allow him to remain in this invalid union, consequently on the 28th of January. 1941, at St. Patrick's Church, Kokomo Indiana, he had the marriage revalidated, a proper dispensation from the impediment of Disparity of Cult having been obtained. Soon afterward he was sent overseas, and on returning discovered that the attitude of his wife had changed towards him, and in September, 1945, she left him, securing a civil divorce in April. 1946. There is no hope of a reconciliation since his wife has already remarried.

Realizing his position, on the advice of his pastor and other members of the clergy, he filed his petition with me. With due

humility I submit the petition to you with the request that you dissolve the unsacramental marriage of Alfred G. Cinelli and Elinor Robins *in favorem fidei.* The reasons for this request are:

1. In favor of the faith of the petitioner, Alfred G. Cinelli — that is, in the preservation of his faith.

2. In favor of the faith of the woman he wishes to marry, who though now non-Catholic, is taking a course of instructions to be baptized and enter the Church.

3. In favor of the faith of any and all children born of this union — that is, to make sure in as far as is humanly possible, the baptism and Catholic education of the children.

4. Because of the excellence of the merits of the petitioner.

5. To preserve the name Cinelli and its offsprings in the membership of the faith of his forefathers.

My own personal investigation of this matter assures me that if the request is granted it will in no way cause any scandal or *admiratio populi.* On the contrary, I feel that it may be the occasion of creating more good will toward the Church from those of the race and blood of the petitioner. The same is borne out by the testimony of the pastor of the petitioner.

Humbly and respectfully submitted,
Aloysius Joseph Willinger, C.Ss.R., D.D.
Bishop of Monterey-Fresno

Reply. The Holy Office replied as follows (N. 2652/53):

In the Curia of Monterey-Fresno a process was drawn up to obtain the dissolution in favor of the faith, of the marriage contracted in 1941 between Alfred Cinelli, a baptized Catholic, and Elinor Robins, unbaptized.

The record having been carefully examined, and everything that is required having been done, on the 19th of January, 1955, the question was proposed in this Supreme Sacred Congregation:

Whether recommendation is to be made to His Holiness in favor of the dissolution of the above marriage in favor of the faith, so that the petitioner, Cinelli, can validly and licitly contract a new marriage before the Church, with a Catholic woman.

This Supreme Sacred Congregation, having discussed the case according to certain established rules, decided to reply: *In the affirmative.*

His Holiness by divine Providence Pope Pius XII. in the

audience granted on Sunday the 23rd of January, 1955, having received a report of the entire matter, graciously deigned to grant the petition according to the above Decree.

Included in the present concession also, as far as it may be needed, is the dispensation from the impediment of crime mentioned in canon 1075, 1°.

Servatis de ture servandis; all things to the contrary notwithstanding.

Given at Rome, from the Holy Office, 2 February, 1955.

(Private); Holy Office, 2 Feb., 1955.

Dissolution in Favor of the Faith of a Marriage Contracted With Dispensation From Disparity of Cult. Where No Conversion Now Involved (Holy Office, 8 Aug., 1955) Private.

The following case was decided by the Holy Office (Prot. N. 1502/55).

VOTUM EPISCOPI

Most Holy Father:

Agnes Mildred Stockle, born of Catholic parents, baptized Catholic as a child and raised a Catholic, having filed with me a petition to "instruct the process" for the dissolution of her marriage to Harvey Ashburn, a nonbaptized person, *in favorem Fidei,* by the Supreme Power of Your Holiness, I have nominated the following for this duty, with instructions that they observe in the fullest all the requirements of law:

Rt. Rev. Msgr. John Galvin, *Officialis, Index Instructor;*
Rev. Amancio Rodriguez, S.T.D., *Defensor Vinculi;*
Very Rev. Msgr. Charles O'Mahony, *Actuarius.*

Agnes Mildred Stockle, born of Catholic parents, and baptized a Catholic at the age of 4 months, raised a Catholic, and now a practical Catholic, contracted marriage *coram Ecclesia* at St. Alphonsus Church, Fresno, California, on October 4, 1947, with Harvey Ashburn, a nonbaptized man. The *cautiones* were properly made and signed and a dispensation from the impediment of disparity of cult granted. This marriage proved unhappy and through no fault of the petitioner, Agnes Mildred Stockle, ended

in divorce in Fresno, California — final decree September 21, 1950.

The petitioner, Agnes Mildred Stockle, now most humbly requests Your Holiness to dissolve this nonsacramental marriage with Harvey Ashburn *in favorem Fidei,* so that she might be able to validly and lawfully contract marriage with a Catholic man. The reasons alleged for such requests are:

1. Her youth and the great danger of incontinency.

2. The danger of civil marriage, which unfortunately is almost always nearly proximate in this country, with the consequent danger of the loss of her faith.

3. Her desire to establish a Catholic home and. should such home be blessed with children, to raise them Catholics.

The requisite conditions seem to be present:

(1) Harvey Ashburn was unbaptized at the time of his marriage to Agnes Mildred Stockle, was unbaptized during the whole time that they lived together, and as a matter of fact, is still unbaptized.

(2) There is no possibility of reconciliation, since he is now a patient in the State mental hospital.

(3) There is no danger of scandal or *admiratio* if the petition is granted.

All these things being so, I most humbly request Your Holiness to grant this petition and dissolve the Stockle-Ashburn nonsacramental marriage *in favorem Fidei.*

Given at Fresno, California, on this the 28th day of May, 1955.

Ψ Aloysius Joseph Willinger, C.Ss.R., D.D.
Bishop of Monterev-Fresno

L.S.

Reply: The Holy Office replied as follows:

In the Curia of Monterey-Fresno a process was drawn up to obtain the dissolution in favor of the faith, of a marriage contracted in 1947 between Agnes Stockle, a baptized Catholic, and Harvey Ashburn, unbaptized.

The record having been carefully examined, and everything that is required having been done, on the 27th day of July, 1955,[1]

[1] In the original Rescript the date of the discussion of the case was erroneously given as 27 August, 1955, but this inconsequential error was later officially corrected by a supplementary letter of the Holy Office to Monsignor Galvin (13 Oct., 1955, N. 1502/55), giving 27 July, 1955, as the correct date.

the question was proposed in this Supreme Sacred Congregation

Whether recommendation is to be made to His Holiness in favor of the dissolution in favor of the faith, of the above marriage, so that the petitioner, Stockle, can validly and licitly contract a new marriage before the Church with a Catholic man

This Supreme Sacred Congregation, having discussed the case according to certain established rules, decided to reply: *In th(affinnative.*

His Holiness by divine Providence Pope Pius XII, in the audience granted on Wednesday the 3rd of August, 1955, having received a report of the entire matter, graciously deigned to grant the petition according to the above Decree.

Included in the present concession also, as far as it may be needed, is the dispensation from the impediment of crime mentioned in canon 1075, 1°.

Observing the requirements of law; all things to the contrary notwithstanding.

Given at Rome, from the Holy Office, 8 August, 1955.

(Private); Holy Office, 8 Aug., 1955. These documents were graciously sent to us for publication in the Canon Law Digest by the Right Reverend Monsignor John Galvin, *Officialis* of the Diocese of Monterey-Fresno, with the permission of the Most Reverend Bishop of the Diocese.

CANON 1169

Electrophonic Bells for Churches May Be Permitted bj the Ordinary (S. C. Rit., 3 Feb., 1951) Private.

In response to a question whether electrophonic bells may be used as a substitute for church bells of bronze, the Sacred Congregation of Rites replied:

Reply: It is left to the prudent judgment of the Ordinary

(Private); S. C. Rit., 3 Feb., 1951 (Prot. N,— R. 29/51).

CANON 1200

Special Short Form Allowed in Reconsecrating Altar (S. C. Rit., 31 Aug., 1943) Private.

Doubt: In the Church of St. Mark at Trent, it was necessary to separate the table of the consecrated immovable altar from its base which was made of bricks. On this occasion a stone base

was substituted for the brick one. The table and sepulcher remained intact.

The question is whether, since the base now is not the same, it is sufficient to use the short formula for the reconsecration of the altar according to canon 1200, § 1.

Reply: This Sacred Congregation, after mature consideration of all points, notifies Your Excellency that the altar in question has lost its consecration. However, as a special favor, it *grants* that the consecrated table be set on the stone base and that the prescribed anointings be made between the table and the base so that it may be constituted one altar.

(Private); S. C. Rit., Prot. N. 3280/43, 31 Aug., 1943; reported in *Archiv fiir katholisches Kirchenrecht,* 123 (1947-48) 147.

CANON 1240

Catholics Providing Heretical Burial for Relatives Are Suspect of Heresy and subject to penalties for this delict. See c. 2315; Holy Office, 23 Feb., 1926.

CANON 1245

General Dispensation From Fast and Abstinence on Civil Holidays: Induit for Ordinaries of U. S. Renewed (S. C. Cone., 25 March, 1952; Ap. Del., 10 April, 1952) Private.

A Letter of the /Xpostolic Delegate to the Ordinaries of the United States:

N. 230/36 April 10, 1952

Your Excellency:

I am pleased to inform you that the S. C. of the Council, by letter N. 1448/52, has extended for another period of five years the faculty of the Most Reverend Ordinaries of this country to dispense from the laws of fast and/or abstinence on civil holidays.

This new concession is effective until and including March 25, 1957.

The relative tax of three dollars may be transmitted to the Holy See through this office.

(Private) ; S. C. Cone., 25 March, 1952; Ap. Del., 10 April, 1952; reported in *The Jurist,* 1952, p. 248. For an earlier induit on the same matter, see Caxon Law Digest, 2, p. 356. The above induit was renewed by S. C. C., Letter N. 21395/D, 15 Feb., 1957, and is effective to and including 15 Feb., 1962 (Letter No. 230/36, 3 April, 1957, from Ap. Del. of U.S., a copy of which was kindly sent us).

CANON 1249

Television: Its Benefits: No Substitute for Actual Presence at Divine Services (Pius XII, Radio Address, 6 June, 1954) AAS 46-369.

His Holiness Pius XII on 6 June, 1954, delivered a Radio Address to the spectators and audience of the first television program produced on a European network including England, Holland, Belgium, Denmark, France, Germany, and Italy. We quote verbatim only that passage which was officially published in English.

Perhaps one might here call special attention to the desire of a television audience to see reflected on the screen some of its own deepest aspirations, its ideal of human brotherhood, of justice and of peace, its love of family and country, and also the fact that it is a part of a society, whose purpose transcends the limits of this material world or belongs to a religious group. We are thinking in particular of those of you whom sickness or infirmity confine to your homes and who would like to find the consolation and comfort they need more than others by being present in spirit at religious ceremonies and uniting their prayer to that of the Church. From now on, television, better than radio, will bring them into the sanctuary. This will not, of course, take the place of being present actually] and in person at religious rites; but at least it will help to create the atmosphere of reverence and recollection that surrounds liturgical functions, and bring the audience to share the fervent prayer of faith and adoration that rises heavenwards from a gathering of the faithful.

May this first international program, that brings together eight countries of Western Europe, be at once a symbol and a promise! Symbol it is of union between the nations, and in one respect, to a degree, it initiates that union. For must not knowledge go before appreciation and esteem? Let the European nations then learn to know each other better; let them be happy and proud to display the national beauties of their countries and its cultural riches; let them open to others the deeper feelings of their spirit and their sincere desire for understanding and cooperation How many prejudices, how many barriers will thus fall! Lack of mutual confidence, selfishness will lessen, and above all a renewed ambition will be stirred to contribute something to the

world community for the common good. Such is Our hope.

On this day of Pentecost may the Divine Spirit, sent to enlighten the minds of men on this earth and to inflame their hearts with love of the Supreme Good, find in this product of human toil an instrument to extend the reign of mutual understanding and concord among all peoples. With an earnest prayer for this gift precious beyond others, and from a heart filled with love for all, We impart the Apostolic Blessing.

AAS 46-369; Pius XII, Radio Address, 6 June, 1954.

CANON 1252

Modification of Uniform Norms for Fast and Abstinence in the United States (Nov., 1956. Meeting of Bishops of U. S.) Private.

The uniform norms for fast and abstinence adopted in 1951 by the Bishops of the United States were somewhat modified at their November, 1956, meeting so that the regulations on this matter now read as follows:

To foster the spirit of penance and of reparation for sin, to encourage self-denial and mortification, and to guide her children in the footsteps of Our Divine Savior, Holy Mother Church imposes by law the observance of fast and abstinence.

In accordance with the provisions of Canon Law, as modified through the use of special faculties granted by the Holy See, we herewith publish the following regulations:

On Abstinence

Everyone over seven years of age is bound to observe the law of abstinence.

Complete abstinence is to be observed on Fridays, Ash Wednesday, and the Vigils of the Assumption and Christmas. On days of complete abstinence meat and soup or gravy made from meat may not be used at all.

Partial abstinence is to be observed on Ember Wednesdays and Saturdays and on the Vigil of Pentecost. On days of partial abstinence meat and soup or gravy made from meat may be taken only *once* a day at the principal meal.

On Fast

Everyone over 21 and under 59 years of age is also bound to observe the law of fast.

[1] Reported in Canon Law Digest, 3, p. 496.

The days of fast are the weekday's of Lent, including Holy Saturday, Ember Days, and Vigils of Pentecost, the Assumption, and Christmas.

On days of fast only one full meal is allowed. Two other meatless meals, sufficient to maintain strength, may be taken according to each one's needs; but together they should not equal another full meal. Meat may be taken at the principal meal on a day of fast except on Friday's, Ash Wednesday and the Vigils of the Assumption and Christmas.

Eating between meals is not permitted but liquids, including milk and fruit juices, are allowed.

Where health or ability to work would be seriously affected, the law does not oblige. In doubt concerning fast or abstinence a parish priest or confessor should be consulted.

We earnestly exhort the faithful during the periods of fast and abstinence to attend daily Mass; to receive Holy Communion often; to take part more frequently in exercises of piety; to give generously' to works of religion and charity; to perform acts of kindness toward the sick, the aged and the poor; to practice voluntary' self-denial, especially regarding alcoholic drink and worldly amusements; and to pray more fervently, particularly for the intentions of the Holy Father.

(Private); Nov., 1956, Meeting of Bishops of U. S.; text copied from *Eastern Kansas Register,* v. 18, n. 13, March 1, 1957.

Vigil of All Saints: Fast and Abstinence (S. C. Rit., 1955; 15 Nov., 1956; S. C. Cone., 15 Feb., 1957) Private.

Because of the cessation of the Vigil of .All Saints in virtue of its omission from the S. C. Rit. Decree of 23 March, 1955, *tit.* II, b, the question arose whether the fast and abstinence prescribed by canon 1252, §2 also ceased. Following are three replies to this question.

A certain American Archbishop informs us that he proposed this question to the Holy See in 1955. The reply was not made by formal rescript but by an informal letter stating that with the cessation of the vigil itself everything pertaining to the vigil also ceased.

(Private); S. C. Rit, 1955; information kindly sent us by the Chancellor of the said Archbishop.

1 Reported in this same volume under canon 2.

II. With the Vigil of All Saints suppressed, must the law of abstinence and fast prescribed for that vigil in can. 1252, § 2 be considered abrogated?

Reply: In the affirmative.

(Private); S. C. Rit., N. O. 154/956 *(Ordinis S. Benedicti),* 15 Nov., 1956; reported in *Ephemerides Liturgicae,* 71 (1957) 54.

At the November, 1956, meeting of the Bishops of the U. S. it was voted that the Holy See be asked whether, in the light of the decree of the Sacred Congregation of Rites of March 23, 1955, suppressing the vigil of All Saints (among others), the last and abstinence of that day (Canon 1252, §2) continue of obligation.

In reply to a query submitted by His Eminence, Cardinal Mooney, through His Excellency, the Apostolic Delegate, the Sacred Congregation of the Council on February 15 (N. 21043/D) advised His Excellency as follows:

The Decree of the Sacred Congregation of Rites of 23 March, 1955. looks simply to the liturgical part of the day and does not touch the obligation of fast and abstinence which are a penitential preparation for the following feast day.

However, since the vigil of All Saints no longer exists liturgically, this fact constitutes one more reason why the Bishops of the United States may use their faculty to dispense the faithful from the obligation in canon 1252, § 2 of the Code of Canon Law. The faculty was granted by this Sacred Congregation in its Decree of 28 January, 1949.[1]

(Private); S. C. Cone., N. 21043/D, 15 Feb., 1957. Reply translated from circular notice of March 15, 1957, to all Ordinaries of the U. S., a copy of which was kindly sent us by the Rt. Rev. Msgr. Paul F. Tanner with permission to translate and publish.

Fast and Abstinence Transferred From Vigil of the Assumption to Vigil of the Immaculate Conception (S. C. Cone., 25 July, 1957) AAS 49-638.

A Decree of the S. C. of the Council entitled: "the obligation of the law of fast and abstinence which was established for the vigil of the feast of the Assumption of the Blessed Virgin Mary

[1] Reported in the Canon Law Digest, 3, p. 494.

is for the future, everywhere, transferred to the vigil of the feast of the Immaculate Conception," is as follows:

Since a number of Ordinaries, and from various countries have indicated to the Holy See the difficulties which, because of circumstances of place and time, prevent the faithful observance of the law of fast and abstinence which was established for the vigil of the feast of the Assumption, the Sacred Congregation of the Council, after having maturely considered everything, by special mandate of the Supreme Pontiff, by this present Decree transfers the aforesaid obligation for the future for all the faithful throughout the world, to the vigil of the feast of the Immaculate Conception of the Blessed Virgin Mary.

All things to the contrary notwithstanding, even though they be worthy of special mention.

Given at Rome, the 25th of July, 1957.

AAS 49-638; S. C. Cone., Decree, *25* July, 1957.

Abstinence: Direct dispensation given by the Holy See for the whole world, for Friday, May 1, 1953 (civil holiday). S. C. Cone., Decree, 22 April. 1953 (AAS 45-240)

Dispensation from the Friday abstinence was granted directly by the Holy Sec to the faithful of the entire world, for Friday the 31st of December, 1954. S. C. Cone., Decree, 22 Dec., 1954 (AAS 46-775).

Huila Cruciata: A decree of the Bishop of Pueblo under date of 1 Feb. 1945, declares the abrogation of the *Bulla Cruciata* as regards fast and abstinence, in the Diocese of Pueblo, in these terms: "Many persons, ignorant of the cessation of the privilege regarding fast and abstinence, continued to avail themselves of it, so that in time the practice became a custom without official sanction, but being an established custom it assumed the aspects of a law, only a fiction of law however, since the privilege was used in total disregard of the corresponding obligations, which were detailed and numerous. . . . It has been decided that whatever custom hcrctobefore prevailed in regard to this privilege has no foundation in law; and that it be abrogated, and that the general discipline of the Church in regard to fast and abstinence from flesh-meats be restored to all portions of the Diocese of Pueblo. It is hereby so decreed" (Cf. *The Jurist,* Vol. 5, p. 292.)

CANON 1255

Sacred Heart of Jesus: Encyclical of Pius XII on devotion to the Sacred Heart of Jesus, 15 May, 1956 (AAS 4S-309). English version, *The Catholic Mind,* 54 (1956)–455; *The Pope Speaks,* 3(1956)115.

CANON 1257

Vigilance of Bishops Over Liturgical Matters. Sec c. 336; AAS 46-666.

CANON 1258

Catholics Providing Heretical Burial for Relatives actively communicate in sacred matters with heretics. See c. 2315; Holy Office, 23 Feb., 1926.

CANON 1259

Litany of the Holy Ghost: Approved and permitted for the Diocese of Pueblo, Colorado, only. S. C. Rit., 12 Jan., 1954 (*The Jurist,* Vol. 14, p. 59).

CANON 1264

Popular Hymns in the Vernacular During Low Mass (S. C. Rit., 1 June, 1956) Private.

Replies of the S. C. of Rites to questions presented by the Cardinal Archbishop of Paris:

His Eminence Maurice Cardinal Feltin, Archbishop of Paris, presenting the petitions of the Professors of singing in the Gregorian Institute which is attached to the Catholic Institute of Paris, humbly submits to the S. C. of Rites the following questions regarding the interpretation of certain passages of the Encyclical *"Musicae sacrae disciplina."*

Questions: 1. Whether the words of the Encyclical concerning the prohibition of the vernacular are to be understood of a solemn Mass in the wide sense, that is, of any kind of Mass which is sung by the Celebrant, with or without sacred Ministers.

2. Whether the words of the said Encyclical concerning the permission of the vernacular are to be understood as applying to any other Mass than one which is read by the celebrant without singing.

Replies: The Sacred Congregation of Rites, after having heard the opinion of the Special Commission, decided to reply:

1. In the affirmative.

2. In the negative.

And the S. C. so replied and declared, 1 June, 1956.

JAAS 48-5; English text, *The Catholic Mind,* 54 (1956), p 222; *The Pope Speaks,* 3 (1956), p. 7.

(Private); S. C. Rit., 1 June, 1956; reported in *Monitor Ecclesiastical,* 1956, p. 629, with annotations by Roniita. These annotations as well as the Encyclical itself must be read in order to get the state of the question There is no question here of substituting the vernacular for the Latin *in the liturgical text oj any Mass,* whether sung or read.

Romita reports also a reply of the Holy Office, 17 Oct., 195o, regarding the reading of the Epistle and Gospel to the people in the vernacular, after they have been read in Latin. For this reply, sec this volume under canon 818.

Sucred Music: Encyclical on Sacred Music. Pius XII, 25 Dec., 1955 (AAS 48-5). English version, *The Catholic Mind,* 54(1956)–222; *The Poft Speaks,* 3(1956)7.

Norms of Pius XII for a restoration of liturgical music. Letter oi Mons. Montini, Secretariate of State, to Cardinal Pizzardo, Prefect of the S. C. of Seminaries, 21 Nov., 1953 *(Monitor Ecclesiasticus,* 1954,p. 7).

Letter of Pius XII on goal for Church music. Letter to Cardinal Innitzer, Archbishop of Vienna, on occasion of Second International Congress on Sacred Music, October, 1954 *(Singende Kirche,* 1954). English text, *The Pope Speaks,* 2(1955)79.

Pius X Institute of Sacred Music, New York, affiliated to Pontificii Institute of Sacred Music in Rome. S. C. Sem., 10 May, 1954 (AAS 47-156).

Custody of the Blessed Sacrament: Tabernacle (S. C. Rit 1 June, 1957) AAS 49-425.

That the Most Blessed Eucharist should be reserved with the greatest honor has always been the object of earnest and watchful solicitude on the part of Holy Mother Church. This care has, however, been manifested in various ways in the course of the centuries. Hence too the ever increasing eucharistie piety of the faithful has made of the place where the Body of Christ is kept, the very center of a flourishing Christian life.

In order to prevent abuses, and that all might be properly done, the competent Authority has often issued documents, decrees, and regulations, specifying the place, the form, and the practice of reserving the Most Blessed Eucharist. And these are all resumed in the Code of Canon Law and expressed as follows:

Canon 1268. §2: The Most Holy Eucharist shall be kept in

the most distinguished and honorable place in the church, and hence as a rule at the main altar.

Canon 1269, § 1: The Most Holy Eucharist must be kept in an immovable tabernacle set in the middle of the altar.

Very recently His Holiness Pius XII. in an address delivered on the 22nd of September, 1956/ to those who attended the International Congress on Pastoral Liturgy at Assisi, explained clearly some of the principal points of the doctrine and practice of the Church regarding the real presence of Christ our Lord in the tabernacle, refuted certain modern errors, and highly commended the exercises of devotion toward the Sacrament of the Eucharist reserved in the tabernacle according to the approved tradition of the Church.

Accordingly, this Sacred Congregation of Rites, in virtue of the faculties granted to it by His Holiness by divine Providence Pope Pius XII, has decreed as follows:

1. The Norms established by the Code of Canon Law regarding the custody of the Most Blessed Eucharist (canons 1268, 1269) are to be strictly and religiously observed: and local Ordinaries must not fail to watch carefully over this matter.

2. The tabernacle must be attached to the altar so firmly as to be immovable. As a rule it should be at the main altar, unless some other be considered more convenient and suitable for the veneration and worship of so great a Sacrament, as is ordinarily the case in cathedral, collegiate, or conventual churches, where choral functions are usually performed, or sometimes at the great sanctuaries, lest the peculiar devotion of the faithful toward the object of their veneration overshadow the supreme worship of adoration which is due to the Most Blessed Sacrament.

3. At the altar where the Most Blessed Eucharist is kept, the Sacrifice of the Mass should be habitually celebrated.

4. In churches where there is only one altar, this may not be so constructed that the priest celebrate facing the people; but on the altar itself, in the middle, should be placed the tabernacle for keeping the Most Blessed Eucharist, built according to liturgical laws, in a form and dimensions altogether worthy of so great a Sacrament.

AAS 48 711; English text. 7 *hr Pope Spraks,* Vol 3 (1956). p 273.

5. The tabernacle should be solidly closed on all sides, and so secure in all its parts that all danger of profanation be precluded.

6. The tabernacle, while the sacred species are kept in it, must be covered with the veil, and a perpetual light should be burning before it according to the ancient tradition of the Church.

7. The tabernacle should be of a form in harmony with the style of the altar and of the church; it should not be too different from the ones that have hitherto been in use; it should not be reduced to the form of a simple box, but should in some way represent the dwelling place of God among men; it should not be ornamented with symbols or figures which are unusual or such as to cause wonder to the faithful, or which could be erroneously interpreted, or which have no relation to the Most Blessed Sacrament.

8. Strictly forbidden are eucharistie tabernacles which are placed off the altar itself, for example in the wall, or beside or behind the altar, or in niches or columns separated from the altar.

9. A custom to the contrary as regards either the manner of keeping the Eucharist or the form of the tabernacle, cannot be presumed, unless there is question of a centenary or immemorial custom (cf. c. 63, § 2),[2] as in the case, for example, of certain tabernacles built in the form of a tower or shrine. But these forms are not to be reproduced.

All things to the contrary notwithstanding. Rome, 1 June, 1957.

AAS 49-425; S. C. Rit., 1 June, 1957.

CANON 1274

Benediction With the Blessed Sacrament: Invocation added to Divine Praises: "Blessed be her glorious Assumption." S. C. Rit., 23 Dec., 1952 (AAS 45-194); 8 April, 1953 (AAS 45-251).

CANON 1276

India: Blessed Virgin Mary, heavenly Patroness of India. Pius XII, Ap Letter, 26 Jan., 1951 (AAS 46-398).

[2] Obviously this is the canon which was intended in the official reference It should be noted that a *custom* contrary to law is never directly *presumed*. When such a custom has been *proved* to be centenary or immemorial, it gives rise to a presumption of the grant of a *privilege*.

Marian Year: Encyclical, *"Fulgens Corona"* announcing the Marian Year. Pius XII, 8 Sept., 1953 (AAS 45-577). *The Catholic Mind,* 51 (1953)-738.

Formal closing in Basilica of St. Mary Major, 8 Dec., 1954. Pius XII, prevented by illness from attending, sends fervent message by radio from the Vatican (AAS 46-721). See also Queenship of the Blessed Virgin Mary.

Indulgences. Decree of S. Penitentiary, 11 Nov., 1953 (AAS 45-696) Annotations, *Periodica,* 42-422 (Cappello).

Midnight Mass: One Mass at 12:30 A.M. of Dec. 8, 1953, and again at 12:30 A.M. of Dec. 8, 1954, allowed in churches and greater oratories for the opening and closing of the Marian Year. S. C. Sacr., Decree, 26 Nov., 1953 (AAS 45-808).

Papal Blessing. On the days of the opening and closing of the Marian Year (Dec. 8, 1953 and Dec. 8, 1954) local Ordinaries can give the Papal Blessing with plenary' indulgence during the solemnities. S. Paen., Decree, 11 Nov., 1953, η. IV (AAS 45-696).

Prayer for the Marian Year, and indulgences for reciting it. Pius XII, 21 Nov., 1953 (AAS 45-757).

Privileged Altar. During the Marian Year all altars which arc dedicated to the Blessed Virgin Mary are privileged in favor of the soul of any of the faithful who died in the state of grace and for whose benefit any priest celebrates Mass at such an altar. S. Paen., Decree, 11 Nov., 1953, η. V (AAS 45-696).

Votive Mass of the Immaculate Conception is permitted on all Saturdays during the Marian Year (one Mass only in any one church or oratory), excepting on certain specified days, and provided some pious exercise in honor of the Blessed Virgin Mary is performed. The days excepted are: a duplex of I or II class, a privileged fcria or vigil, or a privileged octave of the first or second order, and a feast, vigil, or octave of the Blessed Virgin. S. C. Rit., Decree, 29 Nov., 1953 (AAS 45-819).

.Mass of St. Dismns: The S. C. Rit. has permitted this Mass once annually in all correctional institutions in the United States. The day assigned for it is the second Sunday' in October, provided it does not concur with a feast of major rite. (Cf. *The Jurist,* Vol. 13, p. 227.)

Quecnship of the Blessed Virgin Mary: Allocution of Pius XII on the occasion of the crowning, in St. Peter's, of the ancient picture of Our Lady, *Salus Populi Romani,* from St. Mary Major's, 1 Nov., 1954 (AAS 46-662). English text, *The Pope Speaks,* 1(1954)337; *The Catholic Mind,* 53 (1955)–307.

Encyclical of Pius XII, 11 Oct., 1954, establishing the Feast of the Queenship of Mary (May 31) to be celebrated throughout the world (AAS 46-625). English text, *The Pope Speaks,* 1(1954)323; *The Catholic Mind,* 53 (1955)-49.

Indulgenccd prayer. S. Paen., 15 March, 1955 (AAS 47—121).

Office and Mass. S. C. Rit., 31 May, 1955 (AAS 47-470).

Rosary: Praise to the Dominican Order for promoting it. Pius XII, Letter to Very' Reverend Michael Browne, General of the Order of Preachers, Il July, 1957 (AAS 49-726).

Saint Augustine: Apostolic Epistle addressed to the Superiors General of

various branches of the Augustinian Order on their great Patron, Saint Augustine of Hippo. Pius XII, 25 July, 1954 (AAS 46-513). *The Pop Speaks,* 1(1954)229.

Saint Benedict: Patron of Italian cave-explorers (speleologists). Pius XII, Ap. Letter, 20 July, 1956 (AAS 49-401).

Saint Bernard: Encyclical of Pius XII, 24 May, 1953 (AAS 45-369).

Saint F. X. Cabrini: Feast to be celebrated as double of the second dass in the United States. S. C. Rit., 11 June, 1948 *(The Jurist,* 1948, p. 469).

Saint Dominic Savio: Patron of boy choristers. Pius XII, Ap. Letter. 8 June, 1956 (.AAS 49-199).

Saint Ignatius Loyola: Pius XII, Radio Address to pilgrims celebrating fourth centenary at Loyola, 31 July, 1956 (AAS 48-617). English version, *The Pope Speaks,* 3(1956)299.

Saint Joseph the Workman: New liturgical feast (May 1) instituted Pius XII, Address to Catholic Labor Unions of Italy, 1 May, 1955 (AAS 47-402). English text, *The Catholic Mind, 53* (1955)–564; *The Pop Speaks,* 2(1955)147.

Texts, liturgical, for Office, Mass and Martyrology, for the "Solemni!' of Saint Joseph the Workman," 1 May. S. C. Rit., 24 April, 1956 (AAS 48-226).

Transfer of external solemnity to Labor Day in U. S. and Canada. An induit of the S. C. of Rites, 25 Feb., 1956 (N° D. 10/956) permits that the external solemnity of the feast of Saint Joseph the Workman be celebrated on Labor Day with one high Mass and one low Mass, provided no double of the first class occurs on that day. But if a double of the second class occurs, only the one high Mass is permitted. The liturgical feast, however, with the obligation of Office and Mass, remains on May 1. This induit was given for all dioceses of the United States, *ad decennium.* A similar induit was granted for Canada at about the same time.

Saint Olga: Letter on the one-thousandth anniversary of her baptism Pius XII, 20 Jan., 1956 (AAS 48-260).

Saint Rita: Letter on the 5th centenary of her death. Pius XII, 11 Feb, 1956 (AAS 48-267).

Saint Zita: Patroness of girls and women in domestic service. Pius XII. Ap. Letter, 11 March, 1955 (AAS 48-259).

Washington: Blessed Virgin Mary under title of her Maternity, Patroness of entire Archdiocese. Pius XII, Apostolic Letter, 23 March, 1954 (AAS 47-209).

CANON 1322

Argentina: Excommunication according to canons 2343, § 3, 2334, 2 and 2209, §§ 1, 2, 3, declared against those responsible for and co-operating in the expulsion of Bishop Emmanuel Tato, Auxiliary and Vicar General of Buenos Aires. S. C. Consist., 16 June, 1955 (AAS 47–412).

Persecution of the Church: Joint Pastoral of Argentine Hierarchy, 1 June, 1955. *The Catholic Mind,* 53 (1955)–693.

Poland: Allocution of Pius XII on fidelity to the Church and to the Holy

See, 19 Nov., 1953 (AAS 45-755). English text, *The Catholic Mind,* 52 (1954)-119.

Letter addressed to the Polish Council of Ministers on 24 Sept., 1953, by Cardinal Wyszynski, Primate of Poland, two days before his arrest by the political police. *The Catholic Mind, 52* (1954)–253.

Letter of Pius XII to Cardinal Wyszynski and the members of the Polish Hierarchy on the occasion of the Seventh Centenary of the canonization of Saint Stanislaus, Patron of Poland, 16 July, 1953 (AAS 45–498). English version, *The Catholic Mind,* 51 (1953)–748.

CANON 1324

Jeunesse de l'Église: Publications of and Participation in, Forbidden (Cardinal Archbishop of Paris, 16 Oct., 1953) Private.

The following Decree was issued by Cardinal Feltin, Archbishop of Paris:

In view of the grave spiritual danger for the clergy and the faithful which is caused by reading the publications of *Jeunesse de l'Église,* adhering to the movement and participating in the meetings which it organizes; and in view of the warnings already given by the Assembly of the Cardinals and Archbishops on this subject; and in view of canons 1384, § 2 and 1395, §1 of the Code of Canon Law; We decree as follows:

1. The reading and diffusion of all the publications coming from *Jeunesse de l'Église* are hereafter forbidden to the clergy and the faithful in Our diocese.

2. Adherence to *Jeunesse de l'Église,* as well as participation in the meetings organized by this movement, are likewise forbidden to the clergy and faithful in Our diocese.

Given at Paris under Our hand and seal, with the countersign of the Chancellor of Our Archdiocese, the 16th of October. 1953.

(Private); Card. Archbishop of Paris, 16 Oct., 1953; reported in *Documentation Catholique,* 1953, col. 1371.

Note: The condemnation by the Assembly referred to in the text is as follows:

"After having expressly denounced some of the principal doctrinal errors represented by the tendencies and positions of *Jeunesse de l'Église* (warning published by the Assembly of October, 1952);

"Observing sorrowfully the persistence of a spirit of systematic disparagement of the Church, and an intolerable pretention of reforming the Church without the Hierarchy and of wishing to 'be faithful

to the Church even in resisting her';

"The Assembly of the Cardinals and Archbishops of France unanimously and strongly condemns the attitude and spirit of *Jeunesse de ['Église,* leaving it to each Bishop as doctor of the faith and guardian of truth in his diocese, to take such disciplinary measures as he may deem necessary" *{Documentation Catholique,* 1953, col. 1370).

Documentation Catholique states in a note *{ibid.)* that several other dioceses in France have taken action similar to that reported above from the Archdiocese of Paris.

At least one book published by *Jeunesse de l'Eglise* had already been condemned by the Holy Office on 16 March, 1953 (M.4S, Vol. 45, p 185).

Joint Statement of the Philippine Hierarchy on the YMCA (15 Aug., 1954) Private.

During recent years, the Young Men's Christian Association of the Philippines has exerted more than usually strong effort' to enlist Catholic young men into its membership, insisting that it is non-sectarian and that it offers no danger to the faith oi Catholic members. An official statement issued in 1949 concerning its attitude on religion, *The Religious Policy of the* F.l/C.l *in the Philippines,* states that there are no religious tests oi membership and office, and expressly denies any desire to change the religious affiliation of its members. On the contrary it asserts that it is the wish of the YMCA to promote among its members greater fidelity to their respective churches.

Very recently in the Philippine YMCA's 42nd annual meeting in Baguio these professions were reiterated and express declaration was made that priests are welcome to the Y to serve the spiritual interests of the Catholic members.

What is to be said of this claim that the YMCA is non-sectarian?

The YMCA was founded in England in 1844 by Protestants for the promotion of Protestantism. In its American form, the well-known very Protestant Portland basis (1869) dominated the YMC.A's religious policy for forty years.

The YMCA was first introduced into the Philippines by Messrs. Glunz and Jackson in 1898, who made themselves conspicuous by their Protestant zeal. Mr. Glunz later became a member of the Protestant Stillman University, where he still was in 1940, completing in the words of the Protestant author Rodgers, the "long-

est continuous service as a Protestant religious worker in the Philippines.'"

From that beginning to our own times, the YMCA has continued Protestant. It was for many years a member of the Evangelical Union of the Philippines, whose object as stated in its Constitution was "to unite all the evangelical forces in the Philippines for the purpose of securing comity and effectiveness in their missionary operations."[2]

In 1930, Mr. Ryan, a Protestant minister, President of the Union Theological Seminary and General Secretary of the Philippine Council of Religious Education, described the "emphasis" of the YMCA as "decidedly Protestant in tone."[3]

In 1939, Owen E. Pence, a YMCA official, writing in *The* F.VC.-l *and Social Need* warned that so-called "liberalizations" regarding membership requirements, and *nominatim* those in Catholic countries like the Philippines, should not lead anyone to doubt the YMCA's thoroughly Protestant character. He says:

> Yet these "liberalizing" actions did not change the essential character of the affiliation of the YMCA with Protestant evangelical thought.[4]

And he says:

> ... The significant place that identification with the Protestant Church movement has had throughout Association work in predominantly Roman Catholic countries like Poland, *THE PHILIPPINES,* Mexico, and certain South American countries . . . need not lessen the force of this primary Protestant identification.[5]

Therefore, in spite of the recent claims of the YMCA to be non-sectarian, it is still definitely Protestant, and recognized as such by Protestant authorities.

1 *Forty Years in the Philippines* by J. B. Rodgers (1940), p. 120.
2 *The New Era in the Philippines* by Arthur J. Brown (1903), p. 187.
3 *Religious Education in the Philippines* by Archie Lowell Ryan (Manila, 1930), p. 62.
'*The YMCA and Social Need* by Owen E. Pence (New York, 1939), pp. 15-16.
5 *Ibid.,* p. 265. Emphasis inserted.

We do not accuse the YMCA officials of mendaciousness or bad faith when we deny their assertions. When the YMCA spokesmen say that their organization is non-sectarian, they mean that it does not expressly teach any specifically sectarian doctrines or promote membership in any church or churches The YMCA has arrived at this religious position in the wake of Protestant religious development, and this doctrineless Christianity is precisely that form of modern Protestantism which in our time commands the largest number of adherents. Many Protestant churches have little bv little deserted their characteristic doctrines and have come to consider humanitarianism the essence of Christianity, a tendency which has expressed itself in numerous "unions" and "ecumenical" movements, with which the YMCA has been closely associated and of which the YMCA may very truly be called one.

Therefore, the YMCA is still Protestant but ivith a Protestantism that shows little interest in *beliefs,* and devotes itself to social service, to education, to health and to recreation. These things are good but to propose them as the principal part of Christianity is erroneous. In fact, without the supernatural motivation derived from doctrines they are not even part of Christianity but are what the Holy Office called in 1920 "a meaningless form of religion which has nothing in common with the religion of Jesus Christ."[6]

Though the YMCA professes to hold aloof from doctrinal differences, nevertheless there are implicit in its organization and activities certain doctrines which are contrary to Catholic teachings.

1. The Catholic Church teaches that *She* is the sole guide to Christian faith and morals.

2. The Church teaches that Christ established an hierarchial Church to be ruled by Bishops and priests, and over all His vicar the Pope.

The Y'MCA holds that *laymen* are independently competent in religion.

3. The Church teaches that Christian life consists in: (a) acceptance of Christ's teaching, and (Z>) conduct in harmony therewith. And that of these, acceptance of the body of Christian

Ada Apostolicac Sedis (1920), Vol. XII, p. 595.

doctrine or dogma is at least as important as conduct and is more fundamental.

The YMCA implicitly teaches that the acceptance of Christian dogmas is of little consequence and that conduct is, if not the unique, at least the only important component of Christian life.

4. The Church teaches that Christianity consists in a supernatural life, acquired and sustained by supernatural means.

The YMCA implicitly teaches that Christianity consists in natural humanitarianism expressed in social service.

5. The Church maintains that *She* alone is competent to say what Catholics may do or may not do, and what is consistent with Catholic belief.

The YMCA holds against the Catholic authorities that membership in the YMCA is not inconsistent with Catholic belief, and induces Catholics to defy their Bishops.

The YMCA has been forbidden to Catholics by the Holy Office. In concluding its prohibition, the Decree calls on all Bishops

> to guard young people carefully from the contagion of these societies, to warn the unwary and confirm those who are faltering in their faith, and to exhort pastors and those who have charge of organization of youth to do their duty vigorously to expose the wiles and deceits of the enemy, and to come to the assistance of those who are looking for the truth.[7]

We are here carrying out the instructions of the Holy Office and warn our children to have no part in the YMCA. As regards the assertion of the YMCA authorities that the organization has no designs upon Catholic members, our answer is that this assertion may reflect their *personal* intentions, but it does not alter the character and influence of the organization they represent.

The YMCA is a religious organization whose history, purpose, principles and control have always been and still are Protestant. In spite of the assurances of contemporary leaders, it is impossible that this Protestant organization, even apart from overt inducement, should not exert a Protestant influence on Catholics, weakening their faith and alienating their loyalty. That the evangelical Christianity which inspires the YMCA pays scant

[7] Summarized in Pastoral Letter of Most Rev. Julio R. Rosales, D.D., Archbishop of Cebu, dated Sept. 8, 1951, p. 3.

heed to doctrines and to the existence of visible hierarchial Church does not constitute it non-sectarian but rather subtly anti-Catholic, and against it we warn Catholics with all earnestness and seriousness.

WHEREFORE, WE, the members of the Hierarchy of the Philippines, hereby declare that the YMCA is a Protestant organization and, as such, should be avoided by Catholics, that is, no Catholic may be a member of this organization or contribute to its support or lend his name for propaganda purposes, or make use of its facilities.

The same applies for the YWCA.

Given August 15th, 1954, in Manila.

(Private); Joint Statement of the Philippine Hierarchy, 15 Aug., 1954.

Note: The Holy Office decree referred to is reported in the Canon Law Digest, 1, p. 607.

Biblical Associations and Conventions (Bibl. Com., Instruction, 15 Dec., 1955) AAS 48-61.

An Instruction of the Pontifical Biblical Commission addressed to Ordinaries of places "on biblical associations and biblical conventions and meetings," is as follows.

His Holiness Pius Nil, in the Encyclical *Divino afflante Spiritu* of 30 Sept., 1943, among many other things which conduce to the proper advancement of biblical studies, proffered also the paternal exhortation that Bishops should strive ever to develop and perfect in their people a reverence for the Sacred Scriptures and to foster and stimulate effectively in them the knowledge and love of the same. They should accordingly earnestly encourage those pious associations which are established for the purpose of distributing copies of the Sacred Books: recommend in speech and practice the daily reading and meditation of the Sacred Scriptures, especially the Gospels; either give in person or have other truly learned speakers give public dissertations or lectures on biblical subjects; and finally give all possible support to commentaries which are published to treat and explain biblical questions in a scientific way, and take appropriate measures to make these publications known to the various groups and orders of their flock.1

1 Cf. .4/15, Vol. 35 (1943), p. 321.

This Pontifical Biblical Commission, entrusted as it is with the special task of directing and promoting biblical studies, has been very pleased to learn from various notices and sources with what alacrity Their Excellencies the Bishops have responded to this exhortation of the Supreme Pontiff and what great benefit the faithful in many places have drawn from this renewed interest in the Sacred Books. In many localities the Ordinaries are effectively assisted in promoting this interest in the Bible, by those biblical associations, formed quite recently, which aim to promote the knowledge and love of the Sacred Books through published writings and commentaries and by holding public conferences or lectures. Of great benefit also are the "Bible days" which are celebrated chiefly for the faithful in general, and the conventions lasting several days ("Bible weeks"), during which scriptural subjects are treated at greater length and more thoroughly for the benefit of particular groups.

Undoubtedly all these activities if properly conducted effectively promote and constantly advance the knowledge and love of the Sacred Scriptures. However, if this result is to be attained, everything must be prepared and conducted with great care and prudence. First of all. the subjects to be treated at the meetings must be well chosen, chiefly such as are suited to give a deeper knowledge of the theological doctrine of the Sacred Books and to promote in a higher degree among the faithful devotion and reverence for the Scriptures, without neglecting, however, those historical, critical, and literary questions which are of greater importance or of keener interest in particular localities. Moreover the speakers at these conventions must be thoroughly learned in the matters they treat of, sincerely obedient to the norms laid down by the Holy See, prudent and sober in presenting their views, and quite aware of the scientific and spiritual tone of their audience. How great is the benefit that is derived from these conventions if all these conditions are carefully observed, is abundantly clear from the reports that have come to this Pontifical Commission.

But unfortunately the norms which we have just explained are not yet perfectly observed everywhere; sometimes there is danger that the conventions which are arranged by Biblical Associations or by other persons may not be as beneficial as they should be to all those who attend them, and that for some

persons they may even be rather "for destruction" than "unto edification" (cf. 2 Cor. 10:8). For it is said that the speakers are not always thoroughly versed in their subjects; that some of them too readily follow authors who are not highly approved or that they inconsiderately and rashly admit and diffuse opinions which are doubtful or erroneous; that they recommend books or reviews which are of doubtful value or not approved, or even perhaps reprobated by ecclesiastical authorities: and all this sometimes before listeners who are by no means prepared and equipped to examine and decide such questions. They say too that it has happened that the speaker paid scant attention to the norms which the Supreme Pontiff once more seriously urged in the Encyclical *Humani generis,* and boldly proposed opinions which are condemned by the teaching authority of the Church, or even supplanted the literal sense carefully worked out under the vigilance of the Church, by some novel sense termed symbolic or spiritual, which it is rashly claimed does away with the difficulties of the literal sense.[2] All this is obviously full of danger if it is done in the presence oi persons who are not thoroughly learned in Sacred Scripture.

After considering all these matters, this Pontifical Commission in fulfillment of its charge has thought it well to call to mind that these Biblical Associations and all groups and conventions concerned with biblical studies, as well as books and articles on biblical subjects which may be published in commentaries and reviews, in as much as they are religious matters and concern the religious instruction of the faithful, are subject to the authority and jurisdiction of Ordinaries. And in order that this may be better observed in the future, the Commission decrees and prescribes the following:

1. All Biblical Associations and their works and projects are subject to the authority and jurisdiction of the competent Ordinary. The competent Ordinary in the case of all diocesan Associations or conventions is the Ordinary of the place; in the case of interdiocesan ones, it is the Ordinary of the diocese in which the Director of the Association has his headquarters or in which the congress or reunion is to be held.

2. No new Biblical Associations or similar groups may be

[2] Cf. .4.45, Vol. 42 (1950), p. 569 *seq.*

started without the approval of the competent Ordinary; and be is also the one to examine and approve their Statutes.

3. The Director of the Association or the President of any such group shall make a report every year to the competent Ordinary on the condition, members, and proceedings of the Association or group.

4. Any assemblies which are held to deal with scriptural subjects for persons who are not principally engaged in the study of Sacred Scripture, and the so-called "Bible weeks" or "Bible days," may not be held without the consent and approval of the competent Ordinary. He should also be advised in due time what subjects it is proposed to discuss and who are the speakers who are to present them. After the meetings are finished the person who was in charge shall report briefly to the same Ordinary on the proceedings, the discussions which were held, and the conclusions which were drawn from them. This same report should be sent also to the Most Reverend Secretary of the Pontifical Biblical Commission, together with a program of the meetings and a list of the speakers.

5. The norms given under n. 4 do not apply to congresses and conventions which are held for professors of Sacred Scripture and other persons who are especially learned in that subject, for the purpose of the scientific study and discussion of biblical questions. However, even in such assemblies, care should be taken that everything be done according to sound and approved principles of Catholic doctrine and the norms laid down by the Holy See. Outsiders, that is, persons who are not professors nor especially learned in Scripture, should not be admitted to these meetings.

6. Those whose business it is to prepare and direct the meetings mentioned in n. 4 must take special care that the subjects treated be not such as merely to satisfy curiosity and the taste lor novelty, but be really capable of contributing to solid instruction in the faith and in the moral and ascetical life, and of arousing and increasing a sincere affection toward the Sacred Books. In their choice of speakers let them prefer those who are better fitted to obtain these results and who are well informed and aware of the scientific and spiritual condition of those for whom the lectures are intended. They should also see to it that in the presentation of the subjects attention be given not so

much to the difficulties and doubts as to the positive exposition of points that are clear and well defined. If for certain audiences it seems advisable to treat also of the difficulties and objections, let the question be presented fairly and honestly and let a solid answer be given which is duly based on scientific reasons.

May the Most Excellent Ordinaries, for their love of the flock of Christ, attend earnestly to this important matter, and if they cannot do so in person, let them appoint some priest oi their diocese who is really learned in Scripture, sound in his theology, and of sufficient prudence, who shall take charge of these Associations and meetings and report to the Ordinary at such times as the latter shall determine.

If all this is done carefully and well, we may hope that these most useful Biblical Associations and congresses may bear rich fruit in promoting the knowledge and love of the Scriptures and in giving an effective stimulus to biblical studies for a more abundant harvest of souls.

His Holiness Pius XII graciously deigned to approve this Instruction and ordered that it be published.

Rome, 15 December, 1955.

AAS 48-61; Bibl. Com.. Instruction, 15 Dec., 1955.

"Ethics of the Situation" (Holy Office, Instruction, 2 Feb.. 1956) AAS 48-144.

An Instruction of the Holv Office addressed to all Ordinaries and to teachers in Seminaries, schools, or universities and to prelectors in religious houses of study: on "Ethics of the Situation," is as follows.

I In opposition to moral doctrine as it is taught and applied in the Catholic Church, there has begun to spread in many countries even among Catholics a system of ethics going mostly by the name of "Ethics of the Situation." which is said not to depend on the principles of objective ethics (which is based ultimately on "Esse"), but to be not only on a par with it but even superior to it.

The authors who follow this system hold that the decisive and ultimate rule of action is not a right objective order determined by the natural law and known with certainty from this

law, but a certain intimate mental judgment and enlightenment of each individual, through which in a concrete situation he knows what he ought to do. According to them, therefore, this ultimate decision on the part of a man is not, as objective ethics as taught by the more important authors holds it to be, an application of the objective law to a particular case, giving at the same time due attention and weight to the particular circumstances of the "situation" according to the rules of prudence, but it is the aforesaid immediate internal enlightenment and judgment. This judgment, at least in many matters, is not ultimately measured as to its objective rightness and truth by any norm outside the man himself and independent of his subjective persuasion, nor should it be so measured, nor can it be. but it is fully sufficient to itself.

According to these authors, the traditional concept of "human nature" is not sufficient, but recourse must be had to the concept of "existing" human nature, which in many respects has no absolute objective value, but only a relative one and hence changeable, excepting perhaps as regards those few elements and principles which belong to metaphysical human nature (absolute and immutable). Of the same merely relative value is the traditional concept of "the law of nature." Very many of the things which are now represented as absolute postulates of the law of nature are, in their opinion, based on the aforesaid concept of existing nature, and are therefore only relative and changeable and can always be adapted to any situation.

If these principles are accepted and put into practice — so they say and teach — people deciding what they ought to do in a present situation and making the judgment each in his own conscience, not primarily according to objective laws, but by means of that individual inner light according to personal intuition, will be preserved or easily delivered from many ethical conflicts which are otherwise insoluble.

Many things contained in this system of "Ethics of the Situation" are contrary to truth and to the dictates of right reason/ betray signs of relativism and modernism/^nd are far removed from Catholic doctrine as it has been taught for centuries. In not a few of their assertions they are akin to various systems of non-Catholic ethics.

(, In consideration of these facts, in order to avert the danger

of a "New Morality" mentioned by the Supreme Pontiff Pius XII in the Allocutions of 23 March and 18 April, 1952,[1] and to protect the purity and security of Catholic doctrine, this Supreme Sacred Congregation of the Holy Office interdicts and prohibits the teaching or approval of this doctrine of "Ethics of the Situation" by whatever name it is called, in Universities, schools Seminaries, and houses of formation of religious, and its propagation or defense in books, dissertations, lectures, or conferences, or in any other way.

Given at Rome from the Supreme Sacred Congregation of the Holy Office, 2 Feb., 1956.

AAS 48-144; Holy Office, Instruction, 2 Feb., 1956. Annotations, *Periodici,* 45 (1956), pp. 140-204 (Hürth).

Admonitions Concerning the Theory and Practice of the Care of Psychoneurotics (Archdiocese of Utrecht, 1956; Private.

The following Latin text appeared in the *Analecta voor het Aartsbisdom Utrecht* for November, 1956:

Si Apostolica Sedes certiores Nos reddidit sese edoctam esse de quibusdam falsis doctrinis praxibusque adnexis ad curationem spectantibus psychoneurosi laborantium. — Ex auctoritate eiusdem Sanctae Sedis ac de illius mandato mentem cleri tum saecularis tum regularis attendere volumus ad ea quae sequuntur:

1. Nimia facilitate ac levitate omnis abnegatio, mortificatio et dominatio sui. sive in re sexuali sive in praxi ascetica, consideratur et tractatur ut suppressio (verdringing) quaedam nociva, sensu freudiano intelligenda.

2. Eadem facilitate ac levitate supponitur homines, sive matrimonio iunctos sive coelibes, difficultatibus sexualibus laborantes, esse psychoneuroticos.

3. Ex principio a nonnullis psychiatris modo sat aequivoco enuntiato, videlicet "actiones neuroticorum, sub influxu sentimentorum suppressorum positas, numquam considerari posse ut positas cum normali libertate voluntatis," concluditur psychoneuroticos carere debita libertate ideoque morali responsabilitate.

4. Statuto principio "psychoneuroticos tunc solum a metu suo

1.4.45, \o1. 44 (1952), pp. 270 and 413. Cf. Canon Law Digest, 3, p. 530.

neurotico liberari posse, si sibi conscii facti fuerint passionum suppressarum eaedemque paulatim erumpere queant," falso omnino docetur liberationem a metu neurotico numquam obtineri posse, nisi neurotici sese liberatos sentiant a qualibet causa quamvis rationabili et religiosa, qua quovis modo metus ullus provocari possit, immo a qualibet obligatione erga Deum.

5. Eadem facilitate ac levitate supponitur psychoneuroticos in stadio huius liberationis progressivae seu "disintegrationis," a psychotherapeuta vel directore provocato et promoto, non gaudere vera voluntatis libertate veraque responsabilitate.

6. Ut therapeutae vel directores spirituales in hoc stadio liberationis aegrotum a quovis metu vel anxietate liberent, sunt qui psychoneuroticis suggerere immo inculcare non desinant, ipsis in re sexuali fere omnia (excepta tamen copula extramatrimoniali) esse licita: alii autem tuta conscientia false existimant se aegrotis dicere posse: "si tu hoc facis in tuis circumstantiis, tu non peccas," idque eo fine ut psychoneuroticus absque scrupulo vel anxietate morali actiones objective malas, quibus passiones suppressae erumpant, provocet perficiatque.

7. Tandem non sine gravi scandalo animarumque periculo docetur personas plane sanas propter caritatem Christianam sese praebere posse psychoneuroticis ut eorundem actiones sexuales objective illicitas in semetipsis recipiant, quin tamen malo morali ipsae consentiant.

8. Frequentissimi sunt casus, ubi psychosi laborantibus uno alterove modo suadentur pollutio provocata, accessus ad domos publicas, visus tactusque inhonesti, desideria voluptuosa, relatio adultera: immo ubi sacerdotibus vel religiosis consilium datur videndi personas alterius sexus plane nudas atque cum illis amicitias sexuales habere eo fine ut sive a tensione sexuali sive a curiositate morbosa liberentur. Ex altera parte, quod ad vitam asceticam spectat, conceditur libertas talis ut multi psychoneurotici sese prorsus exemptos existiment a praeceptis Ecclesiae, regulis, exercitiis spiritualibus, vita communi, non sine gravi detrimento totius communitatis religiosae.

Quae omnia quam reprehendenda sint, in aperto est. Accedit quod multi boni medici catholici sint scandalizati; multi sacerdotes iam dubitare incipiant de principiis traditionalibus theologiae moralis: quod tali therapia, ad quam psychotherapeutae et confessarii simul suam ferunt opem, creantur consuetudines

pravae, deformationes conscientiae, complexus inferioritatis moralis, immo suppressiones conscientiae, quibus maiores disturbationes psychicae provocantur quam illae quae erant curandae.

(Private); Holy Office, Nov., 1956; reported in *Analecta voor kd Aartsbisdom Utrecht,* Nov., 1956, pp. 166-167.

Positive Repression of religious error or moral evil is not an absolute duty. Sec Preliminary Section; AAS 45-794.

CANON 1325

Unity and Authority of the Catholic Church (Cardinal Stritch, Pastoral Letter, 29 June, 1954) Private.

At about the time of the meeting of the "World Ecumenical Council" in Evanston, Illinois, His Eminence Samuel Cardinal Stritch, Archbishop of Chicago, issued a Pastoral Letter "to the Clergy and Laity of the Archdiocese of Chicago," from which we quote verbatim those passages which pertain most directly to Christian unity,

There are men outside the Church professing the Christian name who deplore the divisions which exist among them. They talk about setting up and establishing a Christian unity, or as they· sometimes say, a unity of Christian action. They are mindful of the words of our Blessed Saviour to His apostles, spoken the night before He died: "Yet not for these only do I pray, but for those also who through their word are to believe in me, that all may be one, even as thou, Father in me and I in thee; that they also may be one in us, that the world may believe that thou hast sent me. And the glory that thou hast given me, I have given to them, that they· may be one, even as we are one: I in them and thou in me; that they may be perfected in unity, and that the world may know that thou hast sent me, and that thou hast loved them even as thou hast loved me" (John 17:20-23). They gather in international organizations; they hold congresses, conventions and assemblies. Wide publicity attends their meetings and assemblies. A'ou are familiar with what thev are doing, because you read of these conventions and assemblies and organizations in your daily' newspapers.

Quite naturally the question arises in your minds, what should be the opinion of a Catholic, what his attitude with regard to

these organizations and their activities? The answer of the Church to this question is: the Catholic Church does not take part in these organizations or in their assemblies or conferences. She does not enter into any organization in which the delegates of many sects sit down in council or conference as equals to discuss the nature of the Church of Christ or the nature of her unity, or to propose to discuss how to bring about the unity of Christendom. or to formulate a program of united Christian action. She does not allow her children to engage in any activity of conference or discussion based on the false assumption that Roman Catholics too are still searching for the truth of Christ. For to do so would be to admit that she is but one of the many forms in which the true Church of Christ may or may not exist; that she does not preserve in herself the unity of faith, government and worship willed bv Our Lord for His Church; that she does not know the true meaning and nature of that unity and of those other God-given properties by which she is distinguished not only as the one but as the holy, Catholic and Apostolic Church founded by our Blessed Lord and Saviour Jesus Christ. Such an admission she can never make, for she is now as she has always been the one and only Spouse of Christ, the one and onty Mystical Body of Christ, the one and only Church of Christ.

It cannot be admitted that the unity willed by Our Lord for His Church has never existed or does not exist today. For such in admission would falsely imply that the will and the preaching of Christ were inefficacious and that His prayer to the Father still remains unheard after almost two thousand years. It would mean that the Holy Spirit, poured out upon the Apostles and abiding forever in the Church founded on them, had failed in His mission. Such a failure is, of course, unthinkable. No, the unity Jesus gave to His Church is an evident and unmistakable thing. It consists, as we have indicated, very simply in three things. The first is that all the members of the Church believe the same truths, handed down by Sacred Scripture and divine tradition, as taught to them by the infallible teaching authority established in the Church by Christ Himself. The second is that all obey the divinely constituted authority of the Church in all that pertains to their moral life and the salvation of their souls. The third is that all share in the same worship of God and use the same means of sanctification, as directed and provided by

the Church's teaching and ruling authority: in the concrete, that all participate in the Holy Sacrifice of the Mass and the prayer of the Church, and that all admit and use according to their station in life the seven holy sacraments instituted and given to us by Jesus Christ Himself.

Now this unity, clear and obvious as it is, exists in the Church of Christ today. It is found in the Roman Catholic Church and in her alone. She and she alone is the true Church of Jesus Christ. There is only one way to the unity so anxiously sought by some men. That is the entrance into the fold of the Church of Christ, participation in her life, submission without reserve to her teaching and ruling authority. If we are asked, does the Roman Catholic Church desire the unity of all believing men, our reply is that she by all means desires unity, but not a unity forged according to fallible human conceptions. The unity she wishes for all Christians and offers to those who seek it is that which was established in her by Jesus Christ Himself and preserved in her always by His almighty power.

If the Catholic Church does not take in these international and national councils, conferences and assemblies, it is not because she is not interested in cooperating with Our Lord in bringing His other sheep into His fold. She longs for, prays for. and does all that she can to restore the complete unity once existing among believers in Christ. She spares no effort to repair the divisions which arose when men in the East during the 9th century and in the West during the 16th century separated themselves from the one flock of Christ, cut themselves off from the one Body of Christ. She always holds the door open and is ready to greet with outstretched arms all those who come into the unity established by Christ in His Church. She offers them the truth and prays ardently that they may receive the light of the Holy Spirit in their minds to see it, His love and courage in their wills to embrace it. Earnestly, incessantly, the Catholic Church prays that all men may come into that Christian unity which was established in her by Jesus Christ, her founder.

This attitude of the Church with regard to our separated brethren is not one of arrogance and pride. Far from it. It is rather that of a loving parent towards erring children. She knows her duty to Christ. She mingles love and firmness. Like Christ Our Lord, she is filled with compassion and sympathy towards

those who grope in the darkness of error; but she cannot betray His trust to her, she cannot be false to the charge He has given her to preserve the deposit of faith confided to her, to keep it intact and uncontaminated by falsehood, to preach it to men in all its purity and integrity.

Some men will try to tell you that the Catholic Church became corrupt, that she corrupted the doctrine of Christ, and that to such an extent that some found it necessary in conscience to break away from her, that they themselves might preserve the truth of the Gospel. Your answer will be that the Church of the 16th century believed and taught nothing that was not believed and taught by the Church of the first and second centuries: a divinely established hierarchy, the primacy and infallibility of the Bishop of Rome, the Holy Sacrifice of the Mass, the seven sacraments, the divine Maternity of Mary, most worthy of honor and devotion, and all the God-given truths contained in Holy Scripture and the divine tradition entrusted by Our Lord to His Apostles and through them to their successors. The Catholic Church has never tampered with the truth revealed by God through His Son Jesus Christ. She has never taken away a single tenet nor added a single doctrine to that revelation. If in the course of time, under the impulse and guidance of the Holy Spirit, she has come to a clear and explicit realization of beliefs which before she held and taught in an implicit manner, no reasonable man can say that she has thus invented man-made dogmas. That evils existed in the 16th century need not be denied. That the reformation of discipline and morals brought about by the great Council of Trent was indeed salutary should be admitted. But the truth of Christ alwavs remained in His Church in all of its pristine purity uncontaminated. The institution that Jesus formed has by the power of God been preserved from the beginning, essentially the same throughout the ages. Christ promised that the gates of hell would never prevail against her. That promise was kept in the 9th and the 16th centuries, as it is kept in the 20th century, and will be kept until the end of time.

Accordingly, it is understood that the faithful of the Catholic Church may not in any capacity attend the assemblies or councils of non-Catholics seeking to promote unity of the Church. We ask you, however, to pray for our separated brothers and to beg God to give them the gift of Catholic faith. They need great graces

to overcome prejudices, to break down the wall of misunderstanding which has long existed between us. Pray that they, with God's grace, may find the Church of Christ, the Mother Church which waits for them with open arms and longs to receive them. Pray that they may come to look upon Mary the Mother of Jesus as their own true Mother in Christ. Pray that, like the Magi of old, they may be given the star of faith to find "the Child with Mary, His Mother."

Our faith demands that we practice real Christian charity. We would be less than Christian if we excluded from that charity any man, no matter what his condition or what his profession? Holding firm to the faith that is in us, we shall live in charity with all our fellow citizens. With few exceptions, they' believe in God, and many· of them believe that our Blessed Saviour was God and man and the Saviour of all men. In this great country, which we love with a true patriotic love, there are things which we can do in cooperation with our fellow citizens. The great specter of an armed atheism is on the horizons of our free world. We know its hatred of religion, and we know how it has poured out that hatred principally on the Church in the countries in which it has obtained control by violence. There are many things as citizens which we with our fellow citizens can do and should do. We are ready to unite with them as citizens in the doing of these things. Their discussion of many of the social problems which confront us in our day will prove helpful to us. We are not an isolated group in our democracy. No group in our country is more devoted to our democracy than our Catholic people. We realize that in this day all men of good will, and particularly all men who kneel and pray to the living God, should unite against two common dangers: the danger of atheism, especially communistic atheism, and the danger of secularism, which with specious rhetoric, at least in effect, would banish God from all our social thinking. If in the unity of the Church established by Christ we do not take any part in conventions or meetings or i<semblies which have for their purpose establishing some sort of man-made unity among Christian sects, we are always ready and anxious on the civic and social levels to work together with our fellow citizens, particularly with those who worship the living God. for the good of our country and of society. Let Christian charity reign in you and let it be your motivating spirit in dealin=

and associating with your fellow citizens. In our country there obtain a variety of religious beliefs. In this condition and in these circumstances we shall live together in charity; and while we shall not sacrifice one iota of our faith taught us by Holy Mother Church, we shall collaborate earnestly and honestly with our fellow citizens against godlessness in public and social life, against the aggressions and encroachments of those evils which are attacking the very foundations of our democracy. To all men of good will we issue the invitation to join with us and to work with us, even with the limitations which obtain, for that measure of good which is possible for us to secure.

As by the faith which you profess in common with your fellow Catholics everywhere, you witness to the unity, catholicity and apostolicity of Christ's Church, take care also to show forth always in your lives her exalted holiness. Let everyone realize that it is especially by the example of his life lived in accord with the teachings of our faith that those not of the fold will be inspired with the desire to know the Catholic Church better and even to accept her doctrine. Keep before your eyes the ineffable sanctity of Jesus, the Man-God, whose Sacred Heart is the abyss of all virtues. Look always to His Immaculate Mother, the sinless Virgin Mary, our Mother and protectress in the struggle against the forces of evil. Turn with eager devotion to your patron Saints in whom each one will find the model of that Christian virtue of which he stands most in need. Strive to grow stronger in faith, more confident in hope, and above all more generous and ardent in charity, in love of God and your fellow men. In this day of confusion, in this day when many hearts are yearning for peace, you, as Catholic people, in your daily lives, should be a beacon to all men. Remember that our Blessed Saviour prayed for the "other sheep" which were not of His fold, that there might be one sheepfold and one shepherd. Unite yourselves with Him in this prayer. Show forth in your daily lives the holiness of the Church. Let your fellow citizens who are not of the household of the faith see in you a shinin" example of Christian charity which embraces all men in the love of God.

We desire, dear sons and daughters in Christ, that you prav fervently to Saints Peter and Paul. Pray for yourselves and pray for our separated brothers that they may come to know the

Church of Christ and that they may be given the grace to fc: peace and joy in it. In this Marian Year, when you are fervently praying to our Blessed Lady the Mother of God, remember your brothers and ask our Blessed Lady to bring them into the unity of the Church.

(Private) ; Cardinal Stritch, Archbishop of Chicago, 29 June, Feast ci Saints Peter and Paul, 1954.

Moral Rearmament: the Oxford Group: Buchmanisn: (Holy Office. 1955) Private.

From various published sources (see reference note) we derive the following document of the Holy Office:

The Holy Office is astonished to find Catholics and especially ecclesiastics seeking to attain some moral and social results, ever laudable ones, in a movement which is very far from possessing the heritage of doctrine, spiritual life, and supernatural mears of grace, which belongs peculiarly to the Catholic Church.

It is also a matter of great astonishment to observe how some who defend with excessive enthusiasm the methods and means proposed by' Moral Rearmament, seem to think — that is the impression they give — that these are more effective in that movement than in the Catholic Church itself.

On the other hand there are many who see in Moral Rearmament a danger of syncretism and religious indifferentism

For this reason the Holy Office repeats the followir; directives:

l It is not proper that priests of the diocesan or regular clergy, or *a fortiori* religious women, should take part in meeting of Moral Rearmament.

2 If special circumstances render such participation desirable let permission be asked in advance of the S C. of the Holy Office it will be granted only to learned and experienced priests.

3. Finally, it is not proper for the faithful to accept any office of responsibility in the Moral Rearmament movement, and much less to take part in the so-called "policy teams. '

(Private'; Hol} Office. 1955

Note An article entitled 'Wo/tw *Riarmo Morate ft Catholici* by Father Prudentius Damboricna. SJ of the Gregorian University

a *Monitor Ecclesiasticus,* 1957. pp. 461-503, cites the dispositive parts oi this document, with the date 8 August, 1951. It was not, however, widely published until 1955, when it was *repeated* by the Holy Office Mid then published in several diocesan organs of France, and reproduced in *La Documentation Catholique,* 15 May, 1955, col. 606, from which we take it. The last clause referring to "policy teams" is not a that version, but is given by Father Damboriena, who also cites ..her pronouncements of the hierarchy in various places: Strasbourg, 1934. Galway. 1936; Lausanne, 1939; London. 1948; Cologne. 1950; Milan. 1952. Cf. also *The Tablet,* London, 1957, pp. 318. 41S, 574; *UOssertatore Romano,* Dec. 9, 1957.

CANON 1326

\ Distinction as to Questions of Morals and of Fact in Legislation (Archbishop of Westminster, 6 Dec., 1957) Private.

The following statement by Archbishop Godfrey was issued from the Archbishop's House, Westminster, on questions raised by the recently published Wolfenden Report on homosexuality

The civil law' takes cognizance primarily of public acts. Private acts *as such* are outside its scope.

However, there are certain private acts which have public consequences in so far as they affect the common good. These acts may rightly be subject to civil law.

It may be. however, that the civil law cannot effectively control 'Uch acts without doing more harm to the common good than the acts themselves would do. In that case it may be necessan m the interests of the common good to tolerate without approving such acts.

It has. for example, invariably been found that adultery or fornication (which, however private, have clear public consequences) cannot effectively be controlled by civil law without provoking greater evils.

\pplying these principles to the question of homosexual acts between consenting males:

As regards *the moral law,* Catholic moral teaching is:

1 Homosexual acts are grievously sinful.

2. That in view of the public consequences of those acts, e.g.. the harm that would result to the common good if homosexual conduct became widespread or an accepted mode of

conduct in the public mind, the civil law does not exceed its legitimate scope if it attempts to control them by making them crimes.

The teaching authority of the Bishops is primarily concerned with laying down these two principles of *law,* which cannot be denied by any Catholic.

However, two questions of *jact* arise:

1. If the law takes cognizance of private acts of homosexuality and makes them crimes, do worse evils follow for the common good?

2. Since homosexual acts between consenting males are now crimes in law, would a change in the law harm the common good by seeming to condone homosexual conduct?

Ecclesiastical authority could rightly give a decision on this question as well as on the question of the moral law, if the answer to questions of fact were overwhelmingly clear. As. however, various answers are possible in the opinion of prudent men. Catholics are free to make up their own minds on these two questions of fact.

(Private); Archbishop of Westminster, 6 Dec., 1957. This is the date of the report of this document in *The Universe* (London), from which we reproduce it. The date of the document itself preceded this by a short time. The text, just as we have it, appeared also in the JPedmwkr *Cathedral Chronicle* for December, 1957.

Dignity of Mun: Annual statement of the U. S. Hierarchy, 21 Nov., 1953. *The Catholic Mind,* 52 (1954)-123.

Religion: Our Most Vital National Asset: Annual Statement of the U. S. Hierarchy, 15 Nov., 1952. *The Catholic Mind,* 51 (1953)–56.

Teaching Office of Bishops: Pius XII. Allocution, 31 May, 1954 (AAS 49-313). *The Pope Speaks,* 1(1954)153.

CANON 1327

Preaching: Pius XII, Allocution, 14 Sept , 1956 (AAS 48-699). *The Pop Speaks,* 3(1956)381

CANON 1329

Catechetical Instruction: Allocutions of Pius XII: 30 Sept., 1953 (AAS 45-720); 4 Nov, 1953 (AAS 45-790); 4 Nov., 1953 (AAS 45-792).

CANON 1350

Missions: Pius XII, Message to Bishops, priests, and preachers of the Gospel throughout the world, on the Missions, 18 Oct., 1953 (AAS 45-691).

Mission Stations as Religious Houses. See c. 497; S. C. Rcl., 2 Oct., 1951

CANON 1354

Seminary: Formula for blessing of a new clerical seminary'. S. C. Rit., 12 May, 1953 (AAS 46-104).

CANON 1363

Readmission to Seminary of Student Once Dismissed (S. C. Sem. et Univ., 12 July, 1957) AAS 49-640.

This Decree, under the heading, *"De ratione qua dimissi e Seminariis denuo admitti possint,"* is as follows:

It is an established principle in the Church that candidates for the priesthood are to be carefully tested, so that those who are worthy and qualified shall receive Sacred Orders while the unworthy or unfit are excluded. For this reason Bishops should as a rule not admit to the Seminary students who have left the Seminary of any diocese of their own accord or have for any reason been dismissed therefrom by Superiors. If after carefully considering everything they think that such a one should be admitted, then, having observed the prescription of canon 1363, § 3 of the Code of Canon Law, they should moreover apply to the Sacred Congregation of Seminaries and Universities for authority to receive him, so that the fitness of the candidate may be more abundantly proved.

His Holiness by divine Providence Pope Pius XII deigned to approve and confirm these provisions and ordered that they be made public.

Given at Rome, from the Palace of Saint Callistus, 12 July, 1957.

AAS 49-640; S. C. Sem. et Univ., 12 July, 1957.

Decree of S. C. Sem. et Univ., 12 July, 1957, Does Not Apply to Territories Subject to S. C. Prop. Fid. (S. C. Prop. Fid., 28 Oct., 1957), Private.

In a report dated Sept. 19, 1957, the Apostolic Delegate of

Australasia asked the Sacred Congregation de Propaganda Fide if the decree of the S. C. Sem. et Univ, of 12 July, 1957, regarding the readmission to diocesan seminaries of students who had been sent away from some seminar}' or had left of their own accord, applied to countries under Propaganda. Under date of 28 Oct., 1957, the S. C. Prop. Fid. replied:

"The question was discussed at the meeting of the Sacred Congregation held on October 25. The decision was that the above-mentioned Decree does not oblige in the territories depending on Propaganda."

(Private); S. C. Prop. Fid., 28 Oct., 1957. Reported in *The Australasian Catholic Record,* 35 (1958) 13.

CANON 1372

Religious Women: Preparation of Teachers. See c. 488; AAS 48-189.
Vocation of Teaching in Lay Institutes of Men. See c. 488; AAS 46-202

CANON 1382

Cinema, Radio, Television. See c. 1384 refs.

CANON 1384

Censorship of Books: Pius XII, Allocution to the Congress of Priests engaged in the Censorship of Books, 13 Feb., 1956 (AAS 48-127). English version, *The Catholic Mind,* 54 (1956)–530; *The Pope Speaks,* 3(1956)55.

Cinema: Allocution of Pius XII to members of the cinema industry *of Italy,* 21 June, 1955 (AAS 47-501). English text, *The Catholic Mind,* 53 (1955)-751; *The Pope Speaks,* 2(1955)101.

Allocution of Pius XII to members of the cinema industry in general, 28 Oct., 1955 (AAS 47-816). English text, *The Catholic Mind,* 54 (1956)–97 ; *The Pope Speaks,* 2(1955)351.

Shows presented by religious cannot be forbidden or absolutely controlled by local Ordinaries. In a case decided by the S. C. of Religious, a Bishop wished to close or suppress all moving picture shows presented by religious, reserving all such shows to the parish halls. The Sacred Congregation decided: 1. This is beyond the power of the Bishop, since it would restrict unreasonably a means of apostolate which the law leaves religious free to employ; such a restriction would be especially odious if made for the financial benefit of the parish halls. 2. In case of proven abuses the Bishop can use the pow'er given him by canon 1382, and proceed even to imposing penalties, which might include the temporary suspension of some particular house or show' (canon 619). This case is reported in *Commentarium pro Religiosis,* 32-163 under the title, *"Ex lurisprudentia S. C. de Religiosis."*

Gnema, Radio and Television: Encyclical, Pius XII, 8 Sept., 1957 (AAS 49-765). *The Pope Speaks,* 4 (1957)–319.

Pontifical Commission for the Cinema, Radio, and Television established and its Statutes approved and published. It supplants the previously established Pontifical Commission for the Cinema. Secretariate of State, pursuant to the Audience of 16 Dec., 1954 (AAS 46-783).

Television: Benefits of. See c. 1249; AAS 46-369.

CANON 1399

Alleged Promises to Saint Brigid Not Proved Supernatural: Not to Be Published (Holy Office, 28 Jan., 1954) AAS 46-64.

λ *Monitum* of the Holy Office:

In certain places a booklet has appeared with the title "*The Secret of Happiness: Fifteen Prayers Revealed by Our Lord to Saint Brigid in the Church of Saint Paid in Rome,*" published in various languages at Nice (and elsewhere).

Since it is asserted in this booklet that certain promises were made by God to Saint Brigid, and it is by no means certain that these promises were of supernatural origin, Ordinaries of places must avoid giving permission to publish or to reprint works or writings which contain the aforesaid promises.

Given at Rome, from the Holy Office, 28 Jan., 1954.

AAS 46-64; Holy Office, *Monitum,* 28 Jan., 1954.

CANON 1423

Parish Entrusted to Religious Order: Conditions Imposed (S. C. Cone., 30 Oct., 1947) Private.

The following is a Rescript of the S. C. of the Council, 30 Oct., 1947 (N. 6037/47):

.Archbishop N.N., most humbly prostrate at the feet of Your Holiness, asks the permission of the Holy See, so that, upon the relinquishment of parish Λ.A. in the metropolitan city by the Order N.N., he may entrust to the same Order another parish, X.N., in accordance with an agreement entered into between the Archbishop and the Order on the 31st of January, 1937.

The Sacred Congregation of the Council, in view of the representations made by Archbishop N.N., graciously grants him the

faculty according to his request, with the understanding however that, in addition to what is provided in the particular agreement. 1) the minimum number of religious who shall be attached to the parish be specified; 2) the new parish and benefice be governed and administered in the same manner as the other parishes and benefices of the diocese; 3) the parish and benefice be understood to be entrusted to the said religious *ad nutum Sanctac Scdis,* and subject to the observance of the other provisions of law.

Given at Rome, the 30th of October, 1947.

(Private) ; S. C. Cone., 30 Oct., 1947; reported in *The Jurist,* 1949, p. 85.

Note: This private Rescript is reported because of its value in showing the conditions that are regularly imposed in such cases according to the practice of the S. C. of the Council. In this case, a supplementary agreement embodying the new conditions was executed between the Archbishop and the religious Order.

CANON 1444

Dispensation From Corporal Investiture for Benefices in Poland (S. C. Cone., Rescript, 7 Feb., 1955) AAS 47-413.

Petition. Certain diocesan Bishops in Poland have conferred ecclesiastical benefices upon priests, declaring in the act oi appointment that they would fulfill in the future the canonical sending into possession or corporal investiture. But there are some Bishops who for various reasons are impeded from the exercise of ecclesiastical jurisdiction. Wherefore Your Holiness is implored to grant a gracious dispensation from the law which, in canon 1444, § 1, prescribes the said corporal investiture; especially in view of the fact that some of these priests have been in peaceful possession of the benefice now for three full years and even for five or seven years.

May Your Holiness, therefore, deign to grant the required dispensation with all juridical effects, valid also for the past, supplying any deficiency in the observance of the law.

Reply. By order of His Holiness Pius XII, the Sacred Congregation of the Council, in view of the special circumstancesand for as long as they continue, graciously' grants the favor in all respects according to the petition.

Given at Rome, the 7th of February, 1955.

AAS 47-413; S. C. Cone., Rescript, 7 Feb., 195S.

CANON 1495

Diocese Included Among Juridical Moral Persons (Code Com., 23 June, 1953) Private.

The Code Commission replied as follows to questions presented by the Ordinary of Vienna (Prot. N. 3/53):

Your Eminence:

Your Eminence's letter of February 3rd of this year, in which you proposed certain questions regarding the meaning of canon 1495, § 2, has been received.

After carefully examining the questions, this Commission saw very clearly and with scarcely any difficulty the replies that should be made, namely:

1. Q. Whether the words of canon 1495, § 2 of the Code of Canon Law, "*ecclesiis singularibus,*" are to be understood also, and perhaps primarily, of *dioceses.*

R. In the affirmative.

2. Q. Whether the interpretation given in the reply to 1 is *declarative* or extensive.

R. In the affirmative to the first part, in the negative to the second.

(Private); Code Com., 23 June, 1953. Annotations, *Monitor Ecclesiasticus,* 78 (1953)–567 (Arnold).

CANON 1532

Alienations and Debts: Amounts in Actual Currency for Which Permission of Holy See Is Required (S. C Consist., 18 Oct., 1952) Private.

The following Notification was issued 18 Oct., 1952, by the Sacred Consistorial Congregation (Prot. N. 336/44):

In the application of the Consistorial Decree of 13 July, 1951, which was published in the *Acta Apostolicae Sedis* of 18 Sept., 1951,[1] the following is to be noted:

1. Until new dispositions are made, which will be communicated by this same Sacred Consistorial Congregation, the sums of money indicated in the following table are to be considered for the respective countries as the limits beyond which the permission of the

[1] AAS 43-602; Canon Law Digest, 3. p. 212.

Holy See is required according to canons 534, § 1 and 1532, § 1, n. 2 of the Code of Canon Law:

America, North and Central	U. S. Dollars	
Argentina	Argentine Pesos	100;
Belgium	Belgian Francs	250,
Brazil	Cruzeiros	150;
Canada	Canadian Dollars	
Colombia	Colombian Pesos	
Egypt	Egyptian Pounds	
France	French Francs	2,000,
Germany	Marks	20,
Great Britain	Pounds Sterling	
India	Rupees	25,
Italy	Lire	3,000,
Netherlands	Dutch Florins	20,000
Philippines	Philippine Pesos	15,000
Portugal	Portuguese Scudi	150,
Spain	Pesetas	200,
Switzerland	Swiss Francs	20,
Turkey	Turkish Pounds	20,
Uruguay	Uruguayan Pesos	15,
Venezuela	Bolivars	15.

For countries not on the list the norm must be taken from the value of the currency of nearby countries where similar conditions exist.

2. This disposition applies to all ecclesiastical bodies existing in the territory, whatever be the Congregation of the Roman Curia on which they depend.

3. By analogy, the sum of "a thousand lire or francs" mentioned in canon 1532, §2, is to be taken as a sum equal to one thirtieth of the value indicated in the table.

4. Their Excellencies, the Representatives of the Holy See. will please bring this disposition to the notice of the Most Excellent Ordinaries of the respective countries.

Rome, from the Sacred Consistorial Congregation, 18 Oct., 1952.

(Private); S. C. Consist., Notification, IS Oct., 1952. Annotations in *Commentarium pro Religiosis,* 31-219 (Gutierrez).

Note: This Notification, with minor differences, is the same sub-

stantially as that of the S. C. of Religious of 29 Jan., 1953, reported in this volume under canon 534. The list of values is the same, merely the order having been slightly changed in both lists to conform to the English alphabetical order. Note the difference in date, and the fact that the present Notification already was intended to apply to religious. The same provision had even previously been made for Italy on 25 July, 1952 (S. C. Consist., Prot. N. 336/44; *Commentarium pro Religiosis,* 31-217).

Faculty of Apostolic Delegate for Alienations: New Formula (S. C. Consist., 27 Apr., 1953) Private.

The Sacred Consistorial Congregation issued the following formula "to be substituted in place of the faculty reported in X. 20 of the Index of Faculties for Nuncios. Internuncios and Apostolic Delegates, Formula I" (Prot. N. 347/12):

20. In all cases where there is an urgent necessity, evident utility, and danger in delay, the faculty is granted to permit persons interested, according to canons 534, § 1 and 1532, § 1, 2°, alienations of ecclesiastical property or property of pious causes whose price does not exceed double the increased amount fixed by the Sacred Consistorial Congregation in various countries by the Notification of 18 Oct., 1952.

The competent Sacred Congregation should be notified within a year of the alienation made.

Given from the Office of the Sacred Consistorial Congregation, 27 April, 1953.

(Private) ; S. C. Consist., 27 April, 1953. Published, with annotations by Gutiérrez, in *Commentarium pro Religiosis,* 32-251.

Note: The text of n. 20 of the earlier formula, which this replaces, was as follows:

"In all cases where there is urgent necessity, evident utility and danger in delay, the faculty is granted to permit alienations of ecclesiastical property or property belonging to pious causes, up to the value of 60,000 lire or francs for the countries of Europe and 100,000 outside of Europe; with the obligation to notify the Sacred Congregation of the Council within a year of the alienation made."

We are informed on absolutely reliable authority that in the latest pagella of Apostolic Nuncios and Delegates, this faculty has been again enlarged. They now have the faculty to permit alienations, etc., where the amount does not exceed *triple* the sum mentioned in the Notification of the S. C. Consist, of 18 October, 1952,

BOOK IV

PROCEDURE

Canons 1552 - 2194

BOOK IV

PROCEDURE

Canons 1552 - 2194

CANON 1594

Courts of Appeal for Cases From Metropolitan Tribunals: Compiled from the *Annuario Pontificio* for 1958, including only places where English is in common use. Canada and the Philippines arc omitted because governed by special norms. For Canada, see AAS 38-281; Canon Law Digest, 3-622; AAS 44-280; C.L.D. 3-636; AAS 48-59; C.L.D. 4-108. For the Philippines, sec AAS 49-163; C.L.D. 4-410.

Metropolitan See	*Court of Appeal*
Adelaide .	Melbourne
Aera	Delhi and Simla
Armagh .	Clogher
Baltimore	Saint Louis
Birmingham	Liverpool
Bombay .	Poona
Boston	New York
Brisbane	Armidale
Calcutta .	Ranchi
Cardiff .	Mcncvia
Cashel and Emly	Waterford and Lismore
Chicago	SpringficId-in-Illinois
Cincinnati	Cleveland
Denver	St. Louis
Detroit	Cincinnati
Dublin	Kildare and Lcighlin
Dubuque	Saint Paul
Glasgow .	Argyll and the Isles
Goa and Damao	Madras and Mcliapor
Hartford	Providence

Metropolitan See	*Court oj Appeal*
Havana (San Cristobal de La Habana)	Matanzas
Hobart 1	
Indianapolis	Cincinnati
Kansas City-in-Kansas	St. Louis
Liverpool	Salford
Los Angeles	Monterey-Fresno
Louisville	Cincinnati
Madras and Meliapor	Visakhapatnam
Malacca and Singapore	Penang
Mandalav	Rangoon
Melbourne	Adelaide
Milwaukee	Green Bay
Newark	New York
New Orleans	Oklahoma City and Tulsa
New York 2	Philadelphia
Omaha	Dubuque
Perth	Adelaide
Philadelphia	Baltimore
Portland-in-Oregon	San Francisco
Port-of-Spain	Roseau
Rangoon	Mandalav
Saint Andrews and Edinburgh	Dunkeld
Saint Louis	Kansas City-St. Joseph
Saint Paul	Dubuque
San Antonio	Galveston
San Francisco	Los Angeles
Santa Fc	Denver
Santiago de Cuba	Camaguey
Seattle	Portland-in-Oregon
Sydney	Maitland
Tokyo	Osaka
Tuam	Galwav
Washington. DC	Cleveland
Wellington 1	
Westminster	Cardiff

CANON 1599

Matrimonial Procedure: In Italy, appeals to the Rota as a court of second instance under canon 1599, § 1, 1°, became so frequent since the Afofu *proprio* of 8 Dec., 1938 (AAS 30-410), and the Instruction of the S. C. Sacr of 10 July, 1940 (AAS 32-301), that new provisions had to be made, including the *temporary suspension* of canon 1599, § 1, 1°, as

1 Name of court of appeal left blank in Ann. *Pont.*

- U S. Military Ordinariate has New York as its court of first instance. Philadelphia as its court of appeal. Sec c. 451; S. C Consist., 8 Sept., 1957

regards marriage eases appealed to the Rota in second instance from the regional tribunals of Italy. S. C. pro Neg. Eccl. Extr., Pontifical Rescript, 16 Oct., 1954 (AAS 46-614).

CANON 1665

Purchasing of Lawsuit Is Intrinsically Evil; Nevertheless Payment Due as Contracted If Carried Through (Rota, 16 July, 1920) R. D. 12-194.

Incidental to a larger issue in a case of appeal before the Rota, a certain archpriest maintained he did not have to pay various expenses incurred by his civil advocate with whom he had entered a contract that he would be held to no payment to the advocate if his case was lost. The advocate successfully prosecuted the case and the archpriest refuses to pay the advocate. The Rota denies this action can be admitted and notes:

The Auditors, moreover, do not base this conclusion on the grounds alleged in the appeal from the sentence, namely, that the obligation to pay the expenses in no wise, not even indirectly, can arise from the purchase of a lawsuit inasmuch as such action is reprobated by positive law both canonical (can. 1665) and civil, as well modern (Italian Civil Code, art. 1458) as Roman (1. *Sumptus,* ff. *de pactis* et 1. *Salarium* ff. *mandati),* because the common opinion of Doctors maintains that, although the contract is not only *extrinsically,* i.e., in virtue of positive law. but also *intrinsically* evil, nevertheless, if the contracting party actually carries out the illicit or evil action set forth in the pact, the fee agreed on must be paid because, for a certainty, from the completed illicit or evil action arises a new unnamed contract, *"jacio ut des,"* which depends on the prior agreement, not according to its essential nature but only according to the determination of the fee; this determination of the fee in itself is neither invalid nor sinful. Cf. Lehmkuhl, vol. I, n. 1248 seq., ed. 12; Genicot, vol. I, n. 584, ed. 7, and others cited by these authors. The work of defense performed by the advocate was not in itself illicit but was forbidden by law only as an integral part of a prohibited contract. Once, however, the work has been successfully completed, he can justly demand the previously agreed-on fee for his work as well as for the risk, even though no civil action is allowed him for recovering it.

R. D. 12-194; n. 5; Rota, 16 July, 1920.

CANON 1709

Wrongful Rejection of the Bill of Complaint (Rota, 11 May, 1949) Private.

State of the Question. This case is a review of the Rota *corant* Mattioli, with Canestri and Doheny as *Auditores de Turno.* of an incidental decree of the court of first instance (the Regional Tribunal of Etruria) rejecting the bill of complaint.

The woman plantiff had brought the suit for nullity of her marriage on two grounds: 1) insanity on the part of the man 2) an intention on the part of the man *contra bonum prolis.* The court of first instance rejected the bill of complaint and in so doing gave the following reasons:

a) As to the first ground (insanity), it was "manifestly without foundation." Rather, the contrary was to be presumed from the fact that the defendant held a position as State functionary at the time of the marriage, and still holds such a position.

b) As to the alleged condition *contra bonum prolis,* it could not be proved; and besides, "a medical certificate in the record did not exclude the possibility of some sexual defect in the plaintiff herself."

The Law. This matter is governed by canon 1709 and Article 64 of the Instruction on Matrimonial Procedure, *Provida Mater,* of 15 Aug., 1936.

The canon declares that the judge, after determining that the matter is within his jurisdiction and that the plaintiff has a legitimate standing in court, must promptly accept or reject the bill, giving in the latter case the reasons for its rejection.

The Instruction, Art. 64, states that the bill should be rejected "if the fact upon which rests the accusation of the marriage, even though it be entirely true, would nevertheless be quite insufficient to render the marriage null, or if, although the fact would make the marriage subject to a declaration of nullity, the assertion of the fact is evidently false."[1]

Certainly these conditions for the rejection of the bill are not verified in the present case. The Regional Tribunal of Etruria had undoubted jurisdiction; the plaintiff had a right to stand in court;

[1] Cf. Canon Law Digest, 2, pp. 487-488.

either of the grounds alleged in the bill, if proved, would clearly be sufficient for a declaration of nullity.

To say that the assertion of the first ground, insanity, was "evidently without foundation" is an inadmissible *a priori* judgment unsupported by any evidence whatever. The plaintiff presented a medical certificate and was prepared to furnish further evidence at the trial. As to the presumption of sanity which the court of first instance based on the fact of the defendant's employment as a State functionary, it can by no means be accepted without investigation. There are many forms of insanity, and a person can be insane on one point while apparently of sound mind in other matters.

As to the second ground, a condition *contra bonum prolis,* the court of first instance, in its decree rejecting the bill, simply asserts that it "cannot be proved." How does the court know this, since no opportunity was given to produce the evidence? And the assertion that the "medical certificate which is in the record does not exclude the possibility of some sexual defect in the plaintiff herself," is completely irrelevant.

The Decision. The decree of the lower court rejecting the bill is reversed. The Rota judges that the bill is to be accepted as to both alleged grounds of nullity. But since the two alleged grounds are mutually contradictory, the issue should be composed as follows: *"An constet de matrimonii nullitate ex capite amentiae in viro; et, quatenus negative, ex capite intentionis eiusdem contra bonum prolis."*

(Private); Rota, 11 May, 1949; reported in *Monitor Ecclesiasticus,* 1955, p. 65.

Note: On the issue as restated here by the Rota, the competent Tribunal tried the case, and on 6 March, 1952, declared the marriage null on the ground of insanity. On appeal to the Rota, the judgment was confirmed.

CANON 1733

Death of Party Appellant During Pendency of Appeal From Adverse Judgment as to Nullity of Marriage: Parents of Appellant Allowed to Prosecute Appeal

(Appellate Tribunal of Bologna, 22 July, 1953) Private.

State of the Question. X.Y. (the woman) sued for a declaration of nullity of her marriage with W.Z. The judgment of the regional tribunal was *non constarc.* She took no steps to appeal, but the man, W.Z., became the *"pars diligentior"* and duly appealed the case to the Rota. While this appeal was pending. W.Z. died, whereupon his parents applied to the Rota asking to be admitted to prosecute the appeal because of their interest, moral and economic, in the case. In view of the complexity and importance of the question, the Court decided to treat it by way of an interlocutory judgment, observing the formalities of a trial. (Cf. Instruction on Matrimonial Procedure, 15 Aug., 1936, n. 190, § 1; Canon Law Digest, 2, p. 516.) The question was framed as follows: "Whether the parents of W.Z., deceased, who was the more diligent party in the appeal, have the right to prosecute the case."

Points of Law. 1. There is no provision of law requiring a pending case for the nullity of marriage to be closed upon the death of one of the parties. Canon 1972 deals with an entirely different class of cases, where the death occurs before the case is begun.

2. Canon 1733, 1° provides (in general, not for matrimonial cases in particular) that upon the death of a party while a case is pending and before it is concluded, *the instance is interrupted* until the heir or successor of the deceased resumes the litigation.

3. For marriage cases in particular, the Instruction of 15 Aug., 1936, provides in n. 222, § 1: "If it is proved from authentic documents that, during the pendency of the case and before judgment was pronounced, one of the parties to the marriage has died, the record is to be laid away in the archives, and there is to be no decision, unless the other party or an heir of the deceased party insist for grave reasons, as for example in order to legitimate a child who may have been born of the attempted marriage or in order to secure the succession of property (cf. c.

1972). In these cases the persons mentioned may interpose and prosecute an appeal."[1]

4. The precise question therefore is, in what sense must or may the term "heir" in this context be taken? Must it be taken in the strict sense of the principal legal heir, or may it include other persons who have a serious interest in the case?

The Court argues this question at considerable length and with great thoroughness. For lack of space we must omit the reasoning and state only the conclusion: the term "heir" in the context cited from the Instruction, n. 222, § 1, is not limited to the principal heir at law, but includes other persons who have a serious interest in the case. This interest need not be exclusively the legitimation of a child, but may be of an economic nature, such as the parents of the deceased are shown to have in the present case. Hence:

The Decision. The parents of the deceased appellant are to be allowed to prosecute the appeal.

(Private); Appellate Tribunal of Bologna, 22 July, 1953, *corain* Sabattini, *Incidentis: de prosecutione instantiae;* reported in *Monitor Ecclesiasticus,* 1954, p. 77.

CANON 1891

Incidental Question: Admission of New Ground of Nullity on Appeal (Rota, 15 Nov., 1952) Private.

This is a recourse taken to the Rota by the woman plaintiff in a case for the nullity of marriage, against an interlocutory decree of a lower appellate court, which had felt bound to reject and refuse to consider a new ground of nullity which the plaintiff presented for the first time in that same lower appellate court. (Cf. Instruction on Matrimonial Procedure, 15 Aug., 1936, Art. 214; Canon Law Digest, 2, p. 523.)

The Law. 1. One and the same judge should take cognizance oi causes which are connected one with another, unless there is some provision of law to the contrary (c. 1567). Two grounds of nullity of the same marriage are evidently connected causes.

2. Canon 1891 does not amount to a "provision of law to the contrary" in this case. For that canon must be properly understood. Literally, it does forbid the admission of a new ground

[1] Canon Law Digest, 2, pp. 524, 525.

of action on appeal (§ 1); but the meaning is that the appellate tribunal cannot act *as such* on a new ground of action; it can, however, consider the new ground and decide it *in the first instance*.

3. This rule holds also for marriage cases, and it is clearly stated in the Instruction *Provida Mater,* Art. 219 (Canon Law Digest, 2, p. 524).

4. The appellate court is *not bound* to admit the new ground, but it *may* do so. The incidental question now presented to the Rota is precisely whether the lower appellate court *had the power* to allow the new ground.

5. A necessary condition for allowing such a new ground as of first instance in the appellate court is that no one legitimately object to its admission *("nemine contradicente").*

The Decree: After hearing from the Promoter of Justice and the Defender of the Bond, the Rota decreed: The appellate tribunal V. *can if it will* and if no one having a right to do so object, admit the new ground of nullity to be dealt with as of first instance.

(Private); Rota, 15 Nov., 1952; *Monitor Ecclesiasticus,* 1953, p. 74.

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CANON 1892

Nullity of Sentence: Remedies: *lies Indicata* (Rota, 7 Oct. 1949) Private.

The following points of procedural law' are taken from a decision of the Rota, *coram* Staffa, 7 Oct., 1949.

1. *The Form of the Sentence.* According to a principle of long standing, recognized and reenacted in canon 1873, the sentence or judgment must correspond to the entire record of the case including the petition.

2. *Remedies, a)* Yet, though a sentence be null as not corresponding to the petition (going beyond or outside of it), it is at least probable that a *querela nullitatis* is not admissible on this ground. (Cf. however, *contra,* Roberti, *De Processibus,* II. p. 228, n. 492.) This ground is not mentioned either in canon 1892 or in canon 1894.

b) Neither is an *appeal* from the sentence allowed in such a case if the sentence has become *res indicata* (c. 1880, n. 4).

c) Restitutio in integrum is allowed by canon 1905, § 1, even

against *res indicata,* provided the latter is manifestly unjust, as for example (c. 1905, § 2) where a requirement of law has been evidently neglected. That, however, cannot be shown in the present case.

3. *Res Indicata.* In matrimonial causes the sentence does not become *res indicata* if it concerns the validity of the bond or the status of persons (c. 1989). But if neither the validity of the bond nor the status of persons is concerned, the sentence can become *res indicata,* and it has become such in the present case.

Private); Rota, 7 Oct., 1949; reported in *Monitor Ecclesiasticus,* 1953, p 587.

CANON 1902

Res Indicata Declared in Marriage Case After One Decision of Nullity and Subsequent Death of Defendant (Rota, 9 Oct., 1951) Private.

State of the Question: A suit for nullity had been brought by the woman on the ground of insanity of the man; and the Tribunal of first instance decided, *constarc de nullitatc.* The Defender of the Bond appealed the case to the Rota, and shortly afterward the Defendant died. Thereupon the woman Plaintiff presented a certificate of the man's death and informed the Rota that there was now no reason for continuing the inquiry into the nullity of the marriage. The Defender of the Bond in the Rota withdrew from the appeal in accordance with n. 222, § 2 of the Decree, *Provida Mater,* on Matrimonial Procedure.[1]

The deceased man's sister, however, petitioned the Rota that the proceedings be allowed to continue, so that she might have the benefit of a pension in favor of her deceased brother.[2]

The first difficulty was: who could stand as the appellant? Not the Defender of the Bond, for according to the Decree, *Provida Mater,* n. 222, § 2, he is forbidden to do so after the death of

[1] Canon Law Digest, 2, p. 525.

[2] It appears that the pension would have reverted to the deceased man's die, but would go to this sister as his heir if the marriage were finally adjudicated to have been null. The sister, therefore, did not wish to secure i reversal of the decision of nullity already obtained in the lower Court, but on the contrary wished it to be confirmed by the Rota and not laid away in the archives without final confirmation.

either or botli of the parties. (The Annotations, by Mons. Giovanni M. Pinna, an Auditor of the Rota, point out that the Decree, *Provida Mater,* applies to Apostolic Tribunals unless the Rota has a provision to the contrary. This was declared in the *Motu proprio, Qua cura, of* Pius XI, 8 Dec., 1938, which is referred to in Canon Law Digest, 2, p. 540).

The original Plaintiff cannot appeal, for she has already obtained a favorable decision, and moreover the husband is dead The deceased man's sister cannot appeal, for she wants an affirmative decision, and such a decision has already been rendered.

Summary of the Decision. The Rota considered the incidental question, whether upon these facts the case should be declared *res indicata.* The decision was in the affirmative. The universal doctrine both before and since the Code, and in the jurisprudence of the Rota itself has always been to this effect: *a)* the general rule that decisions against the validity of the marriage bond do not become *res iudicata,* has no application where the marriage has been dissolved by the death of one of the parties; *b)* when one of the parties has died, and the Defender of the Bond has rightly abandoned the appeal, and no one can show that he suffers harm from it, a single sentence of nullity which is not *"nutritiva peccati,"* becomes *res iudicata* as regards the civil effects, separable from the marriage bond?

Decision: As regards effects separable from the bond, the sentence of the lower Tribunal in favor of the nullity of the marriage, has become *res iudicata.*

(Private); Rota, 9 Oct., 1951; reported in *Monitor Ecclesiasticus,* 1951, p 632, with Annotations by Mons. Giovanni M. Pinna, Auditor of the Rob

CANON 1903

Incidental Question on Right to Appeal (Rota, 28 March 1953) Private.

Facts and State of the Question. This suit for nullity of a marriage was brought, 31 March, 1949, in the Metropolitan

3 As Mons. Pinna explains in the Annotations, from pre-Code sources and authorities, the decision would be *"nutritiva peccati"* if it held a marriage null which was really valid, or held a marriage valid which was really null when both parties are still alive and are thus placed in the occasion of sin

Tribunal of Tripoli (Maronite), by the man. on the ground that a condition attached to his consent was not fulfilled. We are concerned, however, not with the merits of the case but with an incidental question, namely the legitimacy of an appeal made by the woman after two concordant decisions of nullity. Although the case is governed by the Code of Judicial Procedure for the Oriental Church *(AAS,* Vol. 42, pp. 5-120), all the points of law touched upon in this report are identical in the Latin Code; consequently, for convenience, we report it under the canon numbers of the Latin Code.

The Court of first instance had discontinued the trial by a decree of 15 May, 1951, declaring the man the guilty cause of the nullity of the marriage. Thereupon the Promoter of Justice took the place of the plaintiff and secured a judgment of nullity. 16 June, 1951.

The Defender of the Bond appealed to the Patriarchal Tribunal and obtained a reversal of the judgment, 2 Oct., 1951.

From this judgment the original plaintiff appealed. The Court admitted the appeal without adverting to the fact that the case was now in the hands of the Promoter of Justice, and issued a judgment of nullity, 15 March, 1952.

The Defender of the Bond acquiesced; not so the woman defendant. She appealed from this latest judgment, and the Sacred Congregation for the Oriental Church sent the appeal to the Rota, which now decides the incidental question whether the appeal is to be received.

The Law. The contentions of the woman's advocate in favor of entertaining the appeal are as follows:

A.Both the first and the third judgments are null: the first, because the Vice Officialis who was presiding at the trial delegated another to take his place; the third, because the man had no standing in court to appeal from a judgment obtained by the Promoter of Justice.

B.In any event, even though the above contentions be not admitted, the woman still has a right to appeal, according to the Oriental Code of Judicial Procedure (canons 497 and 430, the latter substantially identical with canon 1903 of the Latin Code, allowing an appeal from two concordant decisions on the ground of important new evidence).

On these issues the Court ruled as follows:

A. The first judgment is not null. Whatever may be thought of the propriety of a delegation of judicial power by the presiding Vice Officialis, such delegation is not invalid, since the Code does not expressly forbid it, much less provide a sanction of nullity.

Neither is the third judgment null. The Code Commission has decided that the incapacity of one of the parties to attack the marriage as provided by canon 1971, § 1, 1° does not involve incapacity of standing in court, so as to render the sentence incurably null according to canon 1892, 2°?

B. On the second contention the Court held that no *new evidence* was being offered, but merely a re-examination of evidence already considered.

The appeal was consequently rejected.

(Private); Rota, 28 March, 1953; reported in *Monitor Ecclesiastics* 1955, p. 426.

CANON 1960

Province of Edmonton: Reorganization of Ecclesiastical Tribunals (S. C. Sacr., 14 Dec., 1955) AAS 48-59.

A Decree of the S. C. of the Sacraments is *verbatim* as follows:

By a Decree of 28 March, 1949 (in the *Acta Apostolicae Sedis,* Vol. 38, pp. 281 and following),[1] the Sacred Congregation of the Sacraments by command of His Holiness by divine Providence Pope Pius XII, established in Canada for the handling of cases for the nullity of marriage seven Provincial Tribunals of first instance and four of second instance.

Lately, however, all the Most Reverend Ordinaries of the ecclesiastical Province of Edmonton, namely the Archbishop of Edmonton, the Bishop of Calgary, the Bishop of Saint Paul in Alberta, the Vicar Apostolic of Grouard, and the Vicar Apostolic of Mackenzie, have earnestly requested that cases for the nullity of marriage of their subjects, which according to Chapter I, n. 7 of said Decree were hitherto tried by the Provincial Tribunal of

1 Code Com., 4 Jan., 1946; .4.45, Vol. 38, p. 162; Canon Law Digest, 3, p. 639.

1 The correct date is 28 Jan , 1946, and the date of the Norms which were published with the Decree is 13 May, 1946. See Canon Law Digest, 3, pp 622 and 625 ; .4.45, Vol. 38, p. 281.

Vancouver because that Tribunal served the two ecclesiastical Provinces of Vancouver and Edmonton, might now be brought io be tried and decided in the first instance, to the Tribunal of Edmonton, to be established for that purpose.

The chief reasons which Their Excellencies adduced for this erection are: 1) the great distance of the Tribunal of Vancouver. 2) the difficulty of access to it, 3) the excessive delay which was unavoidable in drawing up and deciding these cases, with consequent grave inconvenience to the faithful.

The Sacred Congregation of the Sacraments, after having duly considered this petition in the *Congressus* of 16 Nov., 1955. together with the *votum* of His Excellency the Apostolic Delegate of Canada, referred it through the undersigned Cardinal Prefect to His Holiness Pius XII in the Audience graciously granted tn the Substitute Secretary of State on December 10th, 1955.

His Holiness deigned to make the following provisions, decreeing that they are to be observed notwithstanding anything to the contrary even though worthy of special mention:

1. There is erected in the city of Edmonton on the first of January, 1956, a Provincial Tribunal to try in the first instance and decide all cases for the nullity of marriage in the said ecclesiastical Province, that is, in the Archdiocese of Edmonton, the Diocese of Calgary, the Diocese of Saint Paul in Alberta, and in the two Vicariates Apostolic of Grouard and Mackenzie.

2. From that date the Provincial Tribunal of Vancouver will remain competent to handle and to decide in the first instance, only cases for the nullity of marriage from its own ecclesiastical Province.

3. The cases decided in the first instance by the newly erected Provincial Tribunal of Edmonton are to be brought for decision on appeal to the Provincial Tribunal of Toronto, always without prejudice to the right to appeal directly to the Sacred Roman Rota according to canon 1559, § 1 of the Code of Canon Law.

4. In all other respects, the provisions of the said Decree of 1946 and the practical Norms of 14 May, 1946 (.4.45, Vol. 38, pp. 283 *scq.),* are to be fully observed.

Given at Rome, from the office of the same Sacred Congregation, 14 Dec., 1955.

AAS 48-59; S. C. Sacr., Decree, 14 Dec., 1955.

Philippines: Decree and Norms for Organization ol Ecclesiastical Tribunals (S. C. Sacr.. 31 Dec., 1956) AAS 49-163.

DECREE

On the Organization of Ecclesiastical Tribunals in the Philippine islands for Deciding Cases of the Nullity of Marriage in the First and Second Instance

The Most Excellent Ordinaries of the Philippine Islands, gathered in Plenary Council, postulated that what this Sacred Congregation had provided as regards the organization of tribunals on the nullity of marriage by its Decree of 20 Dec.. 1940.' should be appropriately perfected in view of the experience of these years and the prosperous growth of the Catholic Church in the Philippine Islands.

After duly considering this petition as well as the recommendation of His Excellency the Apostolic Nuncio, this Sacred Congregation of the Sacraments referred it to His Holiness Pius Nil in the Audience of 31 Dec., 1956.

His Holiness decreed to establish the following regulations:

I. Tn the Philippine Islands, for the handling of cases on the nullity of marriages in the first instance, the competent tribunal for cases in all the dioceses of each ecclesiastical Province is the provincial tribunal established in the Metropolitan See

II. For handling those same cases on appeal, always without prejudice to the right of appealing to the Sacred Roman Rota according to canon 1599. § 1 of the Code of Canon Law, the competent forum is the Superior Tribunal for handling matrimonial cases in the second instance for the entire Republic, which is established in Manila under the authority of thh Sacred Congregation, represented by His Excellency the Apostolic Nuncio for the time being.

TH The *officiates, vice-officiates,* judges, promoters of justice, defenders of the bond, and other officers of the provincial tribunals shall be chosen and appointed for a definite time by the Ordinaries of the dioceses of each ecclesiastical Province in the Provincial Meeting.

AAS 53-565; Canon Law Digist, 2. p 534 The date given is that of the Decree, the Norms were confirmed by His Holiness on 2S April. 1941

IV. Candidates for the offices of *officialis* (and if need be of *ùe-oficialis),* of judges, promoter of justice, and defender of the bond (and of their substitutes if any) in the Superior Tribunal of Appeals, are to be proposed to this Sacred Congregation by the Ordinaries of the entire Republic of the Philippine Islands in their General Meeting under the chairmanship of His Excellency the Apostolic Nuncio; they shall be chosen for the respective offices by this Sacred Congregation.

The other officers of the Tribunal shall be named by the aforesaid General Meeting.

V. In handling these cases, besides the Instruction of this Sacred Congregation of 15 Aug., 1936,[2] other Instructions and Norms which have been or may in future be issued by this same Sacred Congregation, either for all dioceses or especially for the Philippine Islands, are to be observed.

VI. The S. C. of the Sacraments shall exercise a constant vigilance, especially through His Excellency the Apostolic Nuncio, to see that the *officiales,* the judges, and especially the promoters of justice and defenders of the bond, perform their duties properly and diligently.

His Holiness by divine Providence. Pope Pius XII established these regulations, all things tn the contrary notwithstanding, even though worthy of special mention.

Given at Rome, from the S. C. of the Sacraments, the 31st of December, 1956.

NORMS

(or Putting into Practice the Decree of 31 December, 1956, on the Organization of Ecclesiastical Tribunals in the Philippine Islands

hi order to put into practice the regulations enacted in the Decree of 31 Dec.. 1956. this Sacred Congregation decrees as follows:

Chapter I. *The Governing Authority, Judges, and Officers of the Tribunals*

Art. 1. The provincial tribunal is under the authority of the Archbishop of the place where it is located. He therefore governs

[2] AAS 28-313; Canon Law Digest, 2, p. 471

and directs it in the name of all the Bishops of the Province, and has all the rights and duties which the individual local Ordinaries have in regard to their own respective tribunals according to the sacred canons and the Instruction of this Sacred Congregation of 15 August, 1936, unless other provisions of these Norms to be stated below, or the matter itself require otherwise.

When the Metropolitan See is vacant, the provincial tribunal is governed according to law and the Instruction of 15 August. 1936; but the appointment and dismissal of persons, which are dealt with below in articles 5 and 7, are made in the Provincial Meeting of Bishops, under the chairmanship of the senior Bishop.

The Superior Tribunal of Appeals is under the authority of this Sacred Congregation, which is represented by His Excellency the Apostolic Nuncio for the time being, and in his absence by the one legitimately taking his place.

Art. 2. The judges and officers of the provincial tribunal shall be appointed in the Provincial Meeting of the Ordinaries of the Province.

The names of those who are elected as *officialis* (and also, if need be, as *vice-officialis*— one or more), judges, promoter of justice, defender of the bond (and their substitutes if any), of the provincial tribunals of first instance shall be communicated as soon as possible by the Presiding Bishop of the Provincial Meeting to His Excellency the Apostolic Nuncio of the Philippine Islands, together with an indication of their respective ages, of the studies they have made, a summary of their careers, and also a testimonial as to their priestly virtues, so that the Nuncio maybe able to state whether there is any objection to the appointment of any of those elected.

Art. 3. Candidates for the offices of *officialis* (and also, if need be, of *vicc-officialis* — one or more), judges, promoter of justice, and defender of the bond (and their substitutes if any), of the Superior Tribunal of Appeals, are to be proposed to this Sacred Congregation by the Ordinaries of the entire Republic of the Philippine Islands in their General Meeting under the chairmanship of His Excellency the Apostolic Nuncio; they shall be chosen for the respective offices by this Sacred Congregation.

The other officers of the Tribunal shall be named by the aforesaid General Meeting.

Together with the names of the candidates, there shall be transmitted to this Sacred Congregation for each of them an indication of their respective ages, of the studies they have made, a summary of their careers, and also a testimonial as to their priestly virtues, as stated above in article 2.

The Sacred Congregation has power, if it sees fit, to elect other persons than those proposed.

Art. 4. Let it be remembered that the candidates should not only be outstanding in moral character and have the doctorate or at least the licentiate in canon law, or if not, should be truly learned and experienced in the law. but should also be able to give sufficient time to their duties to perform them properly.

Art. 5. The appointments mentioned above should generally be made for a term of three years, and may be confirmed for successive three-vear terms.

Art. 6. All those who belong to the provincial tribunal or work for it shall take an oath to perform their office duly and faithfully, the *officialis* before the Archbishop of the seat of the provincial tribunal, the others before an Ordinary of the same place, or before the judge by whom they were elected, or before an ecclesiastic delegated by either of these; this should be done at the beginning of their term of office if they are stably appointed, or before the case is begun if they are appointed for a particular case, or before they begin to function officially if they are appointed as substitutes while the case is pending. according to article 19 of the Instruction.

The judges and officers of the Superior Tribunal of Appeals shall take the oath before the Apostolic Nuncio for the time being.

Art. 7. The *officialis, vicc-officiales,* judges, promoters of justice. and defenders of the bond (and their substitutes if any), of the tribunal of first instance, unless they were deputed *per modum actus,* cannot be removed during their office by the Archbishop of the seat of the provincial tribunal, except for a grave reason and after having obtained the opinions of the Bishops of the entire Province and having heard also the advice of His Excellency the Apostolic Nuncio.

The respective officers of the Superior Tribunal of Appeals can be removed only by this Sacred Congregation.

Art. 8. No one can act as judge in a case if he is actually engaged as advocate or procurator in matrimonial cases, either directly or through another person, even if he is so engaged in other tribunals, even those of the Holy See. The same holds for the promoter of justice and the defender of the bond. All these officers are moreover strictly forbidden to intervene in any way in any matrimonial cases outside the scope of their office

Art. 9. The Archbishop of the seat of the provincial tribunal, acting with the other Bishops of the Province, shall attend to compiling an index or roster of the procurators and advocates for the tribunal, in accordance with articles 47-53 of the said instruction: the same shall be done for the Superior Tribunal of Appeals, by His Excellency the Apostolic Nuncio, after having obtained the previous approval of this Sacred Congregation.

Chapter II. *Procedure in Handling Matrimonial Cases*

Art. 10. In order to proceed securely in the handling of matrimonial cases in the provincial tribunals, let the above mentioned Instruction be exactly observed, with only the additions or modifications now to be noted.

Art. 11. As to the competency of the provincial tribunal, articles 1-12 of the said Instruction are to be followed, remembering that the provincial tribunal is. for matrimonial cases, common to all the dioceses of the Province, and at the same time proper to each of the dioceses of the Province.

Art. 12. Cases should be registered as follows: placing first the name of the provincial tribunal, then the diocese where the marriage was celebrated or that of the defendant, and finally the title of the case; for example:

Tribunal Manilense-Lucenen. iXullitatis matrimonii (N.N.).

In the Superior Tribunal of Appeals, the title of the case shall be: *Tribunal Superius Appellationis-Lucencn. Nullitatis matrimonii (N.N.).*

Art. 13. It belongs to the Bishop of the domicile of the parties to decide as to the existence of the circumstances mentioned in articles 38. § 2 and 39, *b)* of the Instruction; it would be appropriate. however, that before doing so he confer with the Arch-

3 This is mentioned only in art 53 of the Instruction. Cf. Caxon Law Digest, 2, p. 485.

bishop of the seat of the provincial tribunal.

Art. 14. It is the part of the Archbishop of the seat of the provincial tribunal to admit or designate a guardian or curator as provided in art. 78 of the Instruction, after consulting the Ordinary of the defendant for whom the guardian or curator is to be appointed.

Art. 15. In the exceptional cases mentioned in canons 1990–1092. all petitions are to be sent to the Archbishop of the provincial tribunal, who. after having obtained the opinion of the Bishop of the parties' domicile, shall act upon it as provided in Title XV of the said Instruction. The *officialis* referred to in article 228 of the Instruction is the *officialis* of the provincial tribunal.

Art. 16. The defender of the bond should not easily omit to present an appeal as mentioned in article 229 of the Instruction. to the Superior Tribunal of Appeals, especially when there is question of impediments from which dispensations are ordinarily given.

Chapter III. *Honoraria to Be Allowed to the Judges and Officers of the Tribunal*

Art. 17. The salaries or compensation and *honoraria* of the judges and officers of the provincial tribunal shall be fixed by the Most Excellent Ordinaries in the Provincial Meetings, bearing in mind the circumstances of the Province and especially the number of cases to be tried; so that they shall receive a suitable compensation, proportionate to the amount of work which the tribunal has to do.

For the Superior Tribunal of Appeals, the General Meeting of the Ordinaries will present a schedule of the same kind to this Sacred Congregation.

Art. 18. These emoluments should generally be moderate, in view also of the fact that the judges and officers of the tribunal will for the most part be already provided with some ecclesiastical benefice: at the same time they should in themselves be sufficient so that those officers be not prevented from giving diligent service to the tribunal, by the necessity of seeking means of livelihood elsewhere.

Art. 19. The Most Excellent Ordinaries in the Provincial Meet-

ings shall (if they deem it necessary) determine the contribution which each diocese of the Province should make toward the expenses of the provincial tribunal, in proportion to the number of cases from each diocese; the same shall be done in the General Meeting for the Superior Court of Appeals.

Chapter IV. *Taxes and Judicial Expenses and the Compensation oi Procurators and Advocates*

Art. 20. The Most Excellent Ordinaries in the Provincial Meetings, after having carefully considered the circumstances of place and time, shall approve a schedule of taxes and judicial expenses and also of fees for procurators and advocates in cases in the provincial tribunal. For the Superior Tribunal of Appeals, the same will be done by this Sacred Congregation, upon proposals made by the General Meeting of Ordinaries.

Art. 21. The schedule of expenses and fees mentioned in the preceding article shall be made known to all litigants. And the Most Excellent Ordinaries and the tribunals shall pay careful attention to the prescription of article 54 of the Instruction above mentioned.

TEMPORARY AND TRANSITORY NORMS

The above provisions shall go into effect on a day to be determined by His Excellency the Apostolic Nuncio of the Philippine Islands.

Cases which on that day are pending in the second instance in appellate tribunals, shall be duly concluded by sentence of the same tribunals. After that day, all appeals from judgments of the provincial tribunals of first instance shall be made to the Superior Tribunal of Appeals, always without prejudice to the faculty given in canon 1599. § 1 of the Code of Canon Law.

His Holiness by divine Providence Pope Pius XII, in the Audience granted to the Pro-Secretary of State on 31 Dec., 1956. graciously deigned to confirm and ratify these Norms.

Given at Rome, from the S. C. of the Sacraments, 31 Dec., 1956.

AAS 49–163; S. C Sacr, Decree and Norms, 31 Dec., 1956.

CANON 1971

Plaintiff Held Capable of Attacking Marriage in Spite of Agreement to Prevent Conception or Destroy Fetus (Rota, 28 Feb., 1951) Private.

Facts. This marriage was contracted in 1939 between two Catholics who had been having illicit relations for some time beforehand. The man, 33 years of age, belonged to a wealthy family, but had been a tainted individual physically and mentally from infancy (tuberculosis, polio, paralysis, epilepsy). Cured clinically of all these maladies excepting this last, which physicians declared incurable, he was regarded as incapable of earning a living, and was strongly counseled against marriage and the procreation of children. The girl, younger and of poor parentage, was well aware of his condition.

Before the marriage, acting upon the advice of doctors and of certain of his relatives, the man definitely determined never to have any children, to avoid conception, and in case of conception to persuade his wife to procure abortion. The woman explicitly agreed beforehand to these conditions, and the marriage took place. After the honeymoon the couple resided for three months with the man's parents; then came separation, promptly followed by civil divorce.

The man's parents, who had strenuously objected to the marriage, denounced the marriage to the Ordinary, asking that a suit for nullity be instituted on two grounds: want of consent because of mental weakness, and exclusion of the primary end of marriage. The Promoter of Justice brought the suit on the first ground only, explicitly excluding the second. On 20 Jan., 1943, the competent Tribunal decided for the validity of the marriage.

From this decision no appeal was taken. But the man now brought suit in his own name, asking for a declaration of nullity on the ground of the exclusion of children.

The court of first instance, notwithstanding canon 1971, § 1, 1°, admitted the plaintiff as capable of standing in court, and decided (11 March, 1944) for the nullity of the marriage. But the court of second instance reversed this decision on appeal by the Defender of the Bond (15 April, 1946). The plaintiff now appealed to the Rota; and the first *Turnus* of the Rota again decided against him (20 March. 1948). From this decision a new

appeal is taken to a new *Turnus* of the Rota, *coram* Mattioli; and it is this case, being tried now for the fourth time, which we are reporting.

The Law. 1. On the substantial merits of the case, the Court, after reviewing and weighing all the evidence, held that there was undoubtedly on the part of the plaintiff a positive will to avoid having children by using the means above indicated, and that he made this a condition to his consent, which was even agreed upon by the other party. Hence, according to well established principles, the marriage was null.

2. But the more interesting question concerns the plaintiff's right to a standing in court to attack this marriage, in view of canon 1971, § 1, 1°. The court of first instance had admitted the plaintiff's right "on account of the peculiar circumstances.' But the court of second instance, as well as the court of third instance (the first *Turnus* of the Rota), had denied it. For, in the opinion of these two tribunals, as reported in the present trial of fourth instance, it was impossible to predicate good faith, such as to excuse the plaintiff from being the guilty cause of the impediment, when his express will was not merely to avoid conception by illicit means, but even to destroy the living fetus by abortion in case this became necessary.

With this view the present Court disagrees. In refutation of it, the Court says:

"As to the capacity of the man to attack the marriage, the preceding *Turnus,* agreeing on this point with the decision appealed from, held that it is scarcely possible to admit in the case of this man such good faith that he would not know that the moral law is violated by an agreement or purpose not to allow conception and. what is worse, to kill the child if it were conceived. But the question which must be decided is not concerning such good faith as would excuse from sin, but concerning *dolus* Xow *dolus* in this connection means the deliberate evil will to procure the nullity of the Sacrament by an agreement or purpose contrary to its substance."

On this basis, the present Court upheld the man's capacity as plaintiff.[1]

[1] Of interest on the question of *dolus* is the rather full exposition of principles in the case decided by the Rota on 30 May, 1949, reported in Canon Law Digest, 3, p. 639.

The Decision: *Sententiam Rotalem diei 20 Martii 1948 esse infirmandam; ideoque constare de matrimonii nullitate in casu; vetito tamen viro transitu ad alias nuptias, inconsulta Sancta Sede, i.e. hoc Apostolico Tribunali.*

(Private); Rota, 28 Feb., 1951; reported in *Monitor Ecclesiasticus,* 1955, pages 249-263.

Note: From this decision the Defender of the Bond felt bound in conscience to appeal once more, which he did. But a new *Turnus* of the Rota, *coram* Pasquazi. on the 5th of May, 1951 confirmed the decision.

CANON 2065

Beatification and Canonization: Method to Be Followed in the Examination of Writings (S. C. Rit., 9 Apr., 1957)

AAS 49-424.

A Decree of the Sacred Congregation of Rites, entitled: "on the method to be followed in arriving at a judgment in the examination of the writings in the Ordinary Congregation of the Sacred Congregation of Rites," is as follows:

Among the investigations which the Code of Canon Law entrusts to Bishops for obtaining from the Holy See the introduction of a Cause for the Beatification of the Servants of God. no small importance is attached to the examination of their writings, since it is obvious that these reveal the disposition, the character and the mind of the writers.

On this examination of the writings, the law of Urban VIII is perfectly clear: "Moreover a diligent investigation is to be made to learn whether he or she whose Canonization is proposed, wrote any books, treatises, articles, meditations or the like; for if it turns out that they did, the case is not to be discussed until such writings have been carefully examined in the Sacred Congregation to see whether they contain errors against faith or morals, or any new or strange doctrine foreign to the common belief and practice of the Church."

This discipline, after being developed in somewhat greater detail by Benedict XIV, was incorporated in the Code of Canon Law, which, in canon 2065 and the following ones, prescribed the practice to be followed in the examination of the writings.

Nevertheless, in view of the importance of the matter, this

Sacred Congregation, in order that a more thoroughly considered judgment may be had upon these writings, as has already been prescribed for the introduction of the Cause, has thought it well to provide also for the examination of the writings in the Ordinary Congregation, that in addition to the Secretary' of the Sacred Congregation, the General Promoter of the Faith and the Sub-Promoter, those Consultors also who are called *"Officiales Praelati,"* should be present; and that all the persons above mentioned should have a brief consultative vote in writing, upon the said examination, and should read it in the presence of the Cardinals, who shall afterward discuss the matter.

His Holiness Pius XII, when these provisions were referred to him by the undersigned Cardinal Prefect of the Sacred Congregation of Rites, approved them all, and ordered that they be hereafter observed as the norm for passing judgment on the writings.

All things to the contrary notwithstanding. April 9, 1957.

AAS 49–424; S. C. Rit., Decree, 9 Apr , 1957.

BOOK V

CRIMES AND PENALTIES

Canons 2195 - 2414

BOOK V

CRIMES AND PENALTIES

Canons 2195 - 2414

CANON 2257

Excornmunicution: Declared against the priest Leonard Feeney. Holy Office, 13 Feb., 1953 (AAS 45-100). Annotations, .*Monitor Ecclesiasticus,* 78 (1953)-415.

CANON 2314

Catholics Providing lleretical Burial for Relatives are subject to penalties for (suspicion of) heresy. See c. 2315; Holy Office, 23 Feb, 1926.

CANON 2315

Catholics Providing Heretical Burial for Relatives Are Suspect of Heresy and Subject to Penalties for This Delict (Holy Office, 23 Feb., 1926) Private.

The Bishop of Linz proposed the following case to the Holy Office:

Since from the prescription of canon 1240, §1,5° those who have given orders that their body be cremated are deprived of ecclesiastical burial, it rather often happens that their Catholic-parents or close survivors call in a non-Catholic minister so that he may conduct the rite of an heretical funeral service over their bodies before cremation.

This manner of acting seems to include not only gravely illicit active communication in sacred matters with heretics but also

seems to involve can. 2316, especially since in Catholic areasit must be said to advance the propagation of heresy in some way

Wherefore it is asked:

1. Must such Catholics be said to be suspect of heresy on the basis of canon 2316?

2. On the basis of canon 2315 should they be barred from legitimate acts or must they also be considered as heretics, subject to the penalties for heretics?

3. Do they incur any other ecclesiastical penalty or would it be advisable to threaten or to inflict on them the penalty of excommunication set down in canon 2314?

The Holy Office replied:

This Sacred Congregation, while it earnestly exhorts You not only not to cease laboring with vigilant care against the prohibited practice of cremation but also against the above-reported abuse of heretical burial services, at the same time orders You to busy Y'ourself with accurately teaching the faithful that those who request heretical burial services for their relatives are held suspect of heresy and consequently are liable to the *ferendae sententiae* penalties threatened in canon 2315, in the terms therein set down. If after having been admonished they have not amended their ways, they can be punished with excommunication, nor must they be admitted to the sacraments until they have first repaired the scandal in the best way possible in the judgment of Y'our Amplitude.

(Private); Holy Office, 23 Feb., 1926; reported in *Archiv jiir katholischa Kirchenrecht,* 106 (1926) 192.

CANON 2316

Catholics Providing Heretical Burial for Relatives Are Suspect oi Heresy. See c. 2315; Holy Office, 23 Feb., 1926.

CANON 2319

Qualifying Clause of Canon 2319, § 1, Ie Expunged (Pius XII, *Motu proprio,* 25 Dec., 1953) AAS 46-88.

The good of the Church demands that We take all possible care that the stability of Canon Law be not endangered by' the uncertain opinions and conjectures of private parties regarding the true sense of the canons, and that interpretations which rest

on subtleties and cavils against the clear will of the legislator do not result in undue indulgence toward violators of the law, a thing which disrupts the nerve of ecclesiastical discipline.

But certain interpreters of the sacred canons, paying too little attention to these considerations, have extenuated the force of canon 2319, § 1, 1°, and relying too much on the prescription of canon 1063, § 1 to which it makes reference, have taught that not every marriage contracted or attempted by Catholics before a non-Catholic minister is punished by excommunication reserved to the Ordinary.

Accordingly, lest the faithful, no longer fearing the penalty, might dare to commit such a crime. We, after consulting the Most Eminent and Most Reverend Fathers of the Supreme Sacred Congregation of the Holv Office, of Our own motion and in the plenitude of Our Apostolic Authority, decree and ordain that the words "*contra praescriptum canonis 1063,* § 7" be expunged from canon 2319. § 1. 1°.

We order also that this Apostolic Letter given of Our own motion be published in the /lc/<7 *Apostolicae Sedis.*

All things to the contrary notwithstanding, even though they be worthy of most special mention.

Given at Rome, from Saint Peter's, the twenty-fifth of December. Feast of the Nativity of Our Lord, in the year 1953, the fifteenth of Our Pontificate.

AAS 46-88; Pius XII, *Motu proprio, 25* Dec., 1953. Annotations, *Thr Jurist,* Vol. 14, p. 214 (Schmidt).

CANON 2331

Excommunication of Vicar General of Nanking Declared

(S. C. Prop. Fid., 1 Feb., 1952) AAS 47-247.

A Decree of the Sacred Congregation for the Propagation of the Faith:

Whereas the Reverend John Baptist Ly, Vicar General of the Archdiocese of Nanking, has by word and deed contrived against the lawful authority of the Legate of the Supreme Pontiff in China, this Sacred Congregation for the Propagation of the Faith by the present Decree declares that the said Reverend John Baptist Ly has incurred the excommunication specially reserved to the Holy See according to the Sacred Canons, especially canons

2331, § 2 and 2334, *2°*, and the special Decrees which have been issued by the Holy See on this matter.[1]

Given at Rome, from the Office of the S. C. for the Propagation of the Faith, the first day of February, 1952.

AAS 47-247; S. C. Prop. Fid., 1 Feb., 1952.

Occupying Ecclesiastical Office Without Canonical Provision: Excommunication. See c. 147; AAS 49-38.

CANON 2334

Declaration of Excommunication Incurred *Ipso Facto* by Persecutors of Cardinal Wyszynski (S. C. Consist., 30 Sept., 1953) AAS 45-618.

Seeing that certain persons have recently dared to lay sacrilegiously violent hands on His Eminence Stephen Cardinal Wyszynski, Archbishop of Gniezno and Warsaw, and to interfere with his exercise of ecclesiastical jurisdiction, the Sacred Consistorial Congregation declares that, in accordance with canons 2334, n. 2 and 2343, § 2 of the Code of Canon Law, all who perpetrated the aforesaid crimes have incurred excommunication *specially* reserved to the Holy See and are *ipso iure* infamous.

Given at Rome, 30 Sept., 1953.

A?\S 45-618; S. C. Consist., Declaration, 30 Sept., 1953.

Argentina: Excommunication according to canons 2343, § 3, 2334, 2'. and 2209, §J 1, 2. 3. declared against those responsible for and co-operatinc in the expulsion of Bishop Emmanuel Tato, Auxiliary and Vicar General of Buenos Aires. S. C. Consist., 16 June, 1955 (AAS 47-412).

CANON 2343

Argentina: Excommunication according to canons 2343, § 3, 2334, 2e, and 2209, §§ 1. 2, 3, declared against those responsible for and co-opcrating in the expulsion of Bishop Emmanuel Tato, Auxiliary and Vicar General of Buenos Aires. S. C. Consist., 16 June, 1955 (AAS 47-412).

[1] Eor example, the Decree of the S C. of the Council, 29 June, 1950; AAS. 42-601; Canon Law Digest, 3, p. 69.

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1919	4	Mar.	Decree, S. C. Consist.	11-120	I. 76
1919	8	Mar.	Reply, S. C. Rit.	11-145	I. 190, 557
1919	12	Mar.	Letter, Benedict XV	11-122	I. 120, 126, 717
1919	19	Mar.	Decree, S. C. Consist.	11-124	I. 198
1919	22	Mar.	Letter, S. C. Consist.	11-175	I. 189
1919	24	Mar.	Reply, Special Com.	11-251	I. 161
1919	28	Mar.	Reply, S. C. Consist.	11-177	I. 105
1919	31	Mar.	Decree, S. C. Rel.	11-239	I. 271
1919	2	Apr.	Reply, S. C. Rel.	11-179	I. 265
1919	•I	Apr.	Decision, Rota	12-373	I. 526
1919	5	Apr.	Decree, Holy Office		III. 427
1919	17	Apr.	Reply, S. C. Rit.	11-246	I. 369
1919	8	May	Decree, S. C. Consist.	11-233	I. 243
1910	14	Mav	Reply, Code Com.		II. 55
1919	18	May	Resolution, S. C. Cone.	11-349	I. 215, 246, 508
1919	18	May	Resolution, S. C. Cone.	11-382	I. 727
1919	22	May	Reply, S. C. Rel.	11-240	I. 273
1919	31	May	Decision. Signatura	11-295	I. 756, 759
1919	21	June	Resolution, S. C. Cone.	11-318	I. 247, 840
1919	29	June	Letter, S. C. Consist.	11-277	I. 396
1919	4	July	Decree, Holy Office	11-309	I. 619
1919	10	Julv	Reply, Code Com.		I. 410
1919	10	July	Reply, S. C. Rel.	11–323	I. 305
1919	13	julv	Resolution, S. C. Cone.	11-416	I. 728
1919	15	Julv	Reply, S. C. Rel.	11-321	I. 51, 105
1919	18	July	Reply, Holy Office	11-317	I. 620
1919	18	July	Reply, S. Paen.	11-332	I. 203
1919	21	Julv	Reply, S. Paen.	12-18	I. 451
1919	21	July	Reply, S. C. Sacr.	.....	HL 451
1919	22	July	Decree, S. C. Prop. Fid.	11-463	I. 191
1919	1	Aug.	Declaration, S C. Consist.	11-346	I. 146
1019	3	Aug.	Reply, Code Com		IT 341
1919	17	Auk.	Reply, Code Com.		I 80. 461
1919	6	Oct.	Reply, S. C Rel.	11-420	I. 308
1919	8	Oct.	Decree, S. C. Consist.	12-39	I. 484

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1919	16	Oct.	Replies, Code Com.	11-479	I. 85, 217, 218, 241, 298, 304, 323
1919	16	Oct.	Replies, Code Com.	11-478	I. 85, 304, 323, 337, 384, 410, 487, 566, 569, 657, 810
1919	29	Oct.	Reply, Code Com.	11-480	I. 586
1919	31	Oct.	Decision, Rota	.....	I. 533
1919	4	Nov.	Replies, Code Com.	.....	III. 72, 73
1919	9	Nov.	Resolution, S. C. Cone.	11-462	I. 587
1919	11	Nov.	Decree, S. C. Cone.	11-463	I. 160
1919	14	Nov.	Decision, Rota	13-54	I. 518
1919	21	Nov.	Reply, S. C. Rel.	12-17	I. 299
1919	26	Nov.	Reply, S.C. Rit.	12-177	I. 204
1919	26	Nov.	Reply, Holy Office	.....	III. 468
1919	30	Nov.	Reply, S. C. Rel.	12-73	I. 109
1919	3	Dec.	Reply, Code Com.	.....	II. 336
1919	5	Dec.	Letter, S. C. Prop. Fid.	12–120	I. 144
1919	28	Dec.	Decree, S. C. Cone.	12-42	I. 254
1920	3	Jan.	Letter, Benedict XV	12-32	I. 120
1920	6	Jan.	Instruction, S. C. Prop. Fid.	.....	II. 74, 421; III. 543
1920	9	Jan.	Reply, S. C. Consist.	12-41	I. 211
1920	10	Jan.	Resolution, S. C. Cone.	12-43	I. 51, 123
1920	10	Jan.	Reply, S. C. Rel.	.....	I. 295
1920	11	Jan.	Resolution, S. C. Cone.	12-70	I. 401
1920	14	Jan.	Reply, S. Paen.	.....	III. 668
1920	15	Jan.	Decree, Holy Office	12-37	I. 620
1920	26	Jan.	Reply, S. C. Rit.	12-122	I. 369
1920	28	Jan.	Instruction, S. C. Rit.	.....	III. 340
1920	28	Jan.	Instruction, S. C. Rit.	.....	III. 343
1920	6	Feb.	Reply, S. C. Sacr.	.....	IV. 316
1920	11	Feb.	Benedict XV	.....	III. 71
1920	14	Feb.	Resolution, S. C. Cone.	12-163	I. 707
1920	15	Feb.	Resolution, S. C. Cone.	12-117	I. 51, 232
1920	17	Feb.	Reply, Code Com.	.....	III. 580
1920	24	Feb.	Reply, Pres. Code Com.	.....	IV. 268
1920	28	Feb.	Reply, S. C. Rit.	12-128	I. 569
1920	4	Mar.	*Monitum,* Vicariate of Rome	.....	III. 383
1920	9	Mar.	Letter, S. C. Rel.	12-365	I. 276
1920	11	Mar.	Letter, Benedict XV	12-109	I. 258
1920	13	Mar.	Resolution, S. C. Cone.	13-438	I. 230, 235
1920	14	Mar.	Resolution, S. C. Cone.	12-444	I. 719
1920	25	Mar.	Decision, Rota	*RD* 12-71	II. 288
1920	6	Apr.	Decision, Signatura	12-252	I. 734, 761
1920	22	Apr.	Reply, Holy Office	12-158	I. 607
1920	25	Apr.	*Motu proprio,* Benedict XV	12-149	I. 203
1920	27	Apr.	Induit, S. C. Prop. Fid.	.....	II. 357
1920	9	May	Resolution, S. C. Cone.	12-536	I. 393, 402
1920	20	May	Letter, S. C. Prop. Fid.	.....	II. 276
1920	31	May	Letter, S. C. Cone.	12-299	I. 631
1920	4	June	Notification, S. C. Rel.	12-301	I. 294

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1920	4	June	Reply, S. C. Rit.		HI. 346
1920	9	July	Reply, S. C. Rit.	12-372	I. 209
1920	10	July	Resolution, S. C. Cone.	12-357	I. 712
1920	10	July	Letter, S. C. Prop. Fid.		II 447
1920	16	July	Decision, Rota	12-194	IV. 399
1920	25	July	Instruction, S. C. Prop. Fid.	12-331	I. 147
1920	27	July	Decision, Rota	*RD 12–202*	II. 299
1920	29	July	Decision, Rota	*RD* 12–215	11. 287
1920	17	Aug.	Decision, Rota	*RD* 12-234	II. 340
1920	9	Sept.	Formula, S. C. Rit.	12-449	I. 563
1920	15	Sept.	Encyclical, Benedict X V	12-385	I. 110
1920	15	Oct.	Reply, S. C. Rit.	12-548	1. 452
1920	23	Oct.	S. C. Consist.	12-534	III. 90
1920	5	Nov.	Letter, Holy Ofiice	12-595	I. 607
1920	6	Nov.	Reply, S. C. Consist.	13-259	I. 461
1920	14	Nov.	Resolution, S. C. Cone.	13-135	I. 714
1920	14	Nov.	Resolution, S. C. Cone.	13-43	*I. 262*
1920	18	Nov.	Reply, S. C. Sacr.	14-96	I. 508
1920	18	Nov,	Letter, Sec. St.		I 116
1920	20	Nov.	Decree, S. C. Consist.	13-13	I. 198
1920	24	Nov.	Replies, Code Com.	12-573	I. 119, 218, 229. 240, 248, 279, 293, 295, 297 327, 415 417 582, 588, 702, 729, 837
1920	2	Dec.	Reply, S. C. Rel.		III. 256
1920	9	Dec.	Decree, S. C. Prop. Fid.	13-17	I. 149
1920	11	Dec.	Resolution, S. C. Cone.	13-262	I. 740
1920	11	Dec.	Resolution, S. C. Cone.	14-42	I. 222
1920	11	Dec	Resolution, S. C. Cone	13-350	I 720
1920	16	Dec.	Allocution,Benedict XV	12-585	I. 120
1921	12	Jan.	Reply, S. C. Rit.	13-154	I. 370
1921	13	Jan.	Decision, Rota	14-472	I. 504
1921	13	Ian	Formula. S. Paen.		I 174
1921	14	Jan.	Reply, S. C. Rit.	13-157	I. 373
1921	16	Jan.	Resolution. S. C. Cone.	13-198	I. 237
1921	16	Ian	Reply, S. C. Rel.		I. 295
1921	18	Ian	Reply, S. C. Rel.		I 295
1921	10	Feb.	Letter, Benedict X\	13-127	I. 127, 630, 68'
1921	18	Feb.	Reply, S. Paen.	13-164	I. 421
1921	18	Feb.	Reply, S. Paen.	13-165	I. 420
1921	18	Feb	Rescript. S C. Rit.		II. 198
1921	19	Feb.	Resolution, S. C. Cone.	14-551	I. 259
1921	19	Feb.	Resolution, S. C. Cone.	13-228	I. 399
1921	25	Feb	Rescript, S. C. Rit.		II 198
1921	28	Feb	Letter. S. C. Prop Fid		II 358
1921	1	Mar.	Replies, Code Com.	13-177	I. 306, 108 331, 502
1921	6	Mar.	Norms, S. C. Rel.	13-312	I. 272
1921	7	Mar.	Declaration. S. C Consist	13-134	I. 76
1921	12	Mar	Resolution, S. C. Cone,	13-438	I. 235
1921	15	Mar	*Recursus,* Signatura	13-271	I 743

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1921	19	Mar.	Decree, S. C. Consist.	13-222	I. 198
1921	22	Mar.	Reply, S. C. Rel.		III. 506
1921	26	Mar.	Notification, S. C. Consist.	13-309	III. 97
1921	30	Mar.	Declaration, Holy Office	13-197	I. 686
1921	16	Apr.	Resolution, S. C. Cone.	13-532	I. 403
1921	17	Apr.	Reply, S. C. Cone.	13-477	I. 121
1921	21	Apr.	Reply, S. Paen.	13-239	I. 847
1921	27	Apr.	Rescript, S. C. Rit.		II. 192
1921	30	Apr.	Decree, S. C. Consist.	13-379	I. 198
1921	10	May	Decision, Rota		II. 29
1921	19	May	Decision, Rota	13-540	I. 759
1921	28	May	Decision, Rota	*RD* 13-115	II. 288
1921	11	June	Resolution, S. C. Cone	13-498	I. 125
1921	13	June	Reply, S. C. Prop. Fid.		III. 580
1921	19	June	Letter, Benedict XV	13-416	I. 321
1921	2	July	Reply, S. C. Rel.	13-481	I. 279
1921	4	July	Instruction, S. C. Sacr.	13-348	I. 497
1921	9	July	Resolution, S. C. Cone.	13-534	I. 573
1921	9	July	Resolution, S. C. Cone.	16-397	I. 238
1921	9	July	Resolution, S. C. Cone.	13-501	I. 396
1921	10	July	Reply, S. C. Cone.	13—477	I. 121
1921	16	July	Letter, Benedict X\	13-424	I. 127
1921	3	Aug.	Decision, Rota		II 340
1921	11	Aug.	Decision, Rota	14-512	I. 538
1921	16	Aug.	Decision, Rota	14-239	I. 731
1921	20	Aug.	Decree, S. C. Consist.	13-430	I. 198
1921	15	Oct.	Letter, Benedict XV	[illegible] *	I. 114
1921	21	Oct.	Decree, S. C. Prop. Fid	13-541	I. 187
1921	21	Oct	Decree, S. C. Prop. Fid	13-542	I. 187
1921	26	Oct.	Declaration, S. C. Rel.	13-538	I. 271
1921	3	Nov.	Instruction, S. C. Rel.	13-539	I. 302
1921	10	Nov.	Reply, S. C. Rit.	13-566	I. 453
1921	12	Nov.	Resolution, S. C. Cone.	14-459	I. 87, 218, 223, 702, 705, 708 711
1921	17	Nov.	Reply, Bibl. Com.	14-27	I. 684
1921	21	Nov.	Allocution, Benedict XV	13-521	I. 47
1921	30	Nov.	Letter, Benedict XV	13-554	I. 656, 663
1921	30	Nov.	Reply, Holy Office		III. 428
1921	1	Dec.	Letter, S. C. ReL		I 296
1921	3	Dec.	Letter, S. C. Prop. Fid.	13-561	I. 163
1921	6	Dec.	Decision, Rota	*RD* 13-278	II. 287
1921	23	Dec.	Letter, Benedict XV	14-37	I. 657
1922	9	Jan.	Decision, Rota	*RD* 14-1	II. 322
1922	14	Jan.	Reply, S. C. Cone.	14-160	I. 730
1922	14	Jan.	Resolution, S. C. Cone	14-229	I. 699
1922	22	Jan.	Declaration, S. Paen.	13-163	I. 452
1922	3	Feb.	Decision, Rota	14-395	I. 603
1922	17	Feb.	Declaration, S. Paen.	14-143	I. 422
1922	1	Mar.	*Motu proprio,* Pius XI	14-145	I. 141
1922	6	Mar	Reply, S. C. Rel.	14-163	I. 275
1922	8	Mar.	Decree, S. C. Rel.	14-161	I. 282; III 159
1922	14	Mar.	Letter, S C Prop Fid		II. 445

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1922	16	Mar.	Reply, S. C. Rel.	14-196	I. 311
1922	18	Mar.	Decision, Rota	14-652	I. 749
1922	20	Mar.	Reply, S. C. Rel.	14-352	I. 300
1922	25	Mar.	Instruction, S. C. Rel.	15-459	I. 284
1922	25	Mar.	Reply, S. C. Rel.	14-353	III. 291
1922	31	Mar.	Decision, Rota	*RD* 14-78	II. 322
1922	31	Mar.	Decision, Rota	*RD* 14-83	II. 310
1922	1	Apr.	Reply, S. C. Prop. Fid.		I. 511
1922	11	Apr.	Decision, Rota	*RD* 14-92	II. 322
1922	16	Apr.	Letter, S. C. Prop. Fid.	14-287	I. 192
1922	25	Apr.	Reply, Code Com.	14-313	I. 127
1922	25	Apr.	Reply, S. Paen.		I. 419
1922	28	Apr.	Decision, Rota	*RD* 14-100	II. 328
1922	29	Apr.	Decision, Rota	*RD* 14-108	II. 288
1922	29	Apr.	Decision, Rota	*RD* 14-119	II. 311
1922	3	May	*Motu proprio,* Pius XI	14-321	I. 163; HI. 254
1922	17	May	Decision, Rota	*RD* 14-147	II. 322
1922	18	May	Decision, Rota	*RD* 14-155	II. 325
1922	31	May	Reply, Holy Office		II. 334
1922	10	June	Decision, Rota	*RD* 14-179	II. 311
1922	10	June	Resolution, S. C. Cone.	14-459	I. 87, 140, 218, 702, 705, 708
1922	10	June	Resolution, S. C. Cone.	15-225	I. 60, 252, 346
1922	14	June	Decree, Holy Office	14-379	I. 853
1922	14	June	Reply, S. Paen.	14-394	I. 450
1922	20	June	Decision, Rota	14-600	I. 760
1922	23	June	Decree, S. C. Sem.	14-510	I. 681
1922	1	July	Replies, Code Com.	14-406	I. 142, 218
1922	1	July	Decision, Rota	*RD* 14-209	II. 299
1922	3	July	Decision, Rota	*RD* 14-222	II. 299
1922	8	July	Resolution, S. C. Cone.	15-115	I. 226
1922	14	July	Replies, Code Com.	14-526	I. 83, 119, 143, 250, 255, 325, 347, 487, 539, 602, 726, 741, 758, 796, 845
1922	1	Aug.	Ap. Letter, Pius XI	14—449	I. 643
1922	1	Aug.	Reply, S. C. Rel.	14-501	I. 326
1922	2	Aug.	Reply, Holy Office		I. 353
1922	4	Aug.	Rescript, S. C. Rit.	14-505	II. 199
1922	4	Aug.	Decision. Rota	*RD* 14-252	II. 311
1922	9	Aug.	Decision, Rota	*RD* 14-263	II. 556
1922	9	Aug.	Decree, S. C. Rit.	14-506	I. 460
1922	10	Aug.	Decision, Rota	*RD* 14-272	II. 287, 328
1922	16	Aug.	Decision, Rota	*RD* 14-308	II. 304
1922	17	Aug.	Decision, Rota	*RD* 14-312	II. 299
1922	11	Oct.	Reply, S. C. Rel.	14-554	I. 266
1922	20	Oct.	Reply, S. C. Rit.	14-556	I. 706
1922	30	Oct.	Reply, S. C. Rit.	14-598	I. 568
1922	9	Nov.	Reply, Holy Office		I. 449
1922	10	Nov.	Letter, Ap. Del. U. S.		I. 149
1922	11	Nov.	Resolution, S. C. Cone.	15-454	I. 838

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192'	12	Nov.	Replies, Code Com.	14-661	I. 251, 301, 326, 345, 502, 707, 710, 846
1922	18	Nov.	Resolution, S. C. Cone.		I. 408
1922	22	Nov.	*Motu proprio,* Pius XI	14-623	I. 597
1922	22	Nov.	*Monita,* S. C. Prop. Fid.	14-647	I. 163
1922	23	Nov.	Reply, Holy Office		I. 155
1922	25	Nov.	Decision, Signatura	15-180	I. 747
1922	26	Nov.	Reply, Code Com.	15-128	I. 225
1922	30	Nov.	Decree, S. C. Rel.	14-644	I. 267
1922	2	Dec.	Reply, S. C. Prop. Fid.		II. 45
1922	3	Dec.	Ap. Letter, Pius XI	14-627	I. 110
1922	7	Dec.	Replies, Special Com.	15-39	I. 159, 160, 162, 169
1922	15	Dec.	Instruction, S. C. Rit.	16-171	I. 581
1922	23	Dec.	Decision, Rota	*RD* 14-353	II. 328
1922	23	Dec.	Encyclical, Pius XI	14-693	III. 272
1922	30	Dec.	Reply, S. C. Rel.	15-156	I. 306
1923	6	Jan.	*Monita,* S. C. Prop. Fid.	15-77	I. 164
1923	13	Jan.	Resolution, S. C. Cone.	17-20	I. 239
1923	23	Jan.	Resolution, S. C. Cone.	15-513	I. 732
1923	25	Jan.	Rescript, S. C. Rel.	.....	III. 257
1923	26	Jan.	Decree, S. C. Consist.	15-112	I. 499; HI. 96
1923	30	Jan.	Decision, Rota	15-124	I. 744
1923	10	Feb.	Resolution, S. C. Cone.	15-154	I. 856
1923	10	Feb.	Resolution, S. C. Cone.	15-544	I. 224
1923	10	Feb.	Resolution, S. C. Cone.	16-400	I. 263
1923	28	Feb.	Decision, Rota	*RD* 15-21	II. 340
1923	5	Mar.	Decision, Rota	*RD* 15-38	II. 322
1923	9	Mar.	Reply, S. C. Sacr.		III. 394
1923	10	Mar.	Resolution, S. C. Cone.	16-51	I. 89
1923	10	Mar.	Resolution, S. C. Cone.	15-588	I. 703
1923	15	Mar.	*Monitum,* Holy Office	15-152	I. 686
1923	22	Mar.	Letter, Holy Office	15-151	I. 351
1923	20	Apr.	*Motu proprio,* Pius XI	15-193	I. 76
1923	27	Apr.	Reply, Holy Office	.....	III. 394
1923	30	Apr.	Decision, Rota	15-296	I. 746
1923	7	May	Decree, S. C. Sacr.	15-389	I. 764
1923	14	May	Reply, S. C. Rel.	15-289	I. 325
1923	20	May	Replies, Code Com.	16-113	I. 151, 238, 320, 412, 540, 600, 684, 702
1923	20	May	Letter, S. C. Prop. Fid.	15-369	I. 164, 637
1923	22	May	Reply, Code Com.	16-251	I. 739
1923	23	May	Allocution, Pius XI	15-245	I. 199, 258
1923	9	June	Resolution, S. C. Cone.	16-432	I. 219
1923	9	June	Resolution, S. C. Cone.	17-510	I. 241
1923	9	June	Resolution, S. C. Cone.	16-400	I. 263
1923	9	June	Resolution, S. C. Cone.	17-508	I. 570
1923	11	June	Resolution, S. C. Cone.		II. 354
1923	14	June	Decision. Rota	*RD* 15-103	II. 287, 328
1923	20	June	Letter, Pius XI	15-350	II. 74
1923	23	June	Decree, S. C. Rd	15-357	Γ. 274

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1923	29	June	*Motu proprio,* Pius XI	15-327	I. 632
1923	29	June	Encyclical, Pius XI	15-307	I. 669
1923	29	June	Decision, Rota	*RD* 15-127	II. 300
1923	5	July	Decision, Rota	*RD* 15-142	II. 318
1923	IS	July	Decision, Rota	*RD* 15-165	II. 311
1923	20	July	Declaration, S. C. Rel.	15—457	I. 328
1923	23	July	Decision, Rota	*RD* 15-174	II. 325
1923	25	July	Letter, S. C. Cone.	15-453	I. 229
1923	28	July	Decision, Rota	*RD* 15-190	II. 323
1923	4	Aug.	Decision, Rota	*RD* 15—212	II. 322
1923	6	Aug.	Decision, Rota	*RD* 15-223	II. 318
1923	17	Oct.	Reply, S. C. Cone,		1. 587
1923	27	Oct.	Declaration, S. C. Rel.	15-549	I. 483
1923	16	Nov.	Declaration, Holy Office	15-585	I. 352
1923	21	Nov.	Decision, Rota	*RD* 15-264	II. 323
1923	23	Nov.	Decision, Rota	*RD* 15-273	II. 312
1923	13	Dec.	Reply, S. Paen.		III. 668
1923	13	Dec.	Reply, Code Com.	16-116	I. 395
1923	15	Dec.	Decision, Signatura	16-105	I. 60, 199, 743, 751
1923	15	Dec.	Resolution, S. C. Cone.	16-371	I. 216
1923	20	Dec.	Replies, S. C. Sacr.		III. 644
1923	20	Dec.	Allocution, Pius XI	15-605	II. 74
1923	21	Dec.	Decision, Rota	*RD* 15-313	II. 340
1923	22	Dec.	Decision, Rota	*RD* 15-319	II. 329
1924	• ·	• · · ·	Reply, S. C. Prop. Fid.		HI. 478
1924	12	Jan.	Resolution, S. C. Cone.	16-188	I. 571, 583
1924	14	Jan.	Resolution, S. C. Cone.	16-162	I. 710, 837, 839
1924	16	Jan.	Decree, S. C. Prop. Fid.	16-243	I. 88
1924	25	Jan.	Reply, S. C. Sacr.		II. 186
1924	1	Feb.	Reply, S. C. Rd.	16-95	I. 278
1924	2	Feb.	Decree, S. C. Sem.	17-547	I. 658
1924	6	Feb.	Instruction, S. C. Rel.	16-96	I. 314
1924	9	Feb.	Resolution, S. C. Cone.	16-94	I. 54
1924	9	Feb.	Resolution, S. C. Cone.	17-245	I. 200, 229
1924	9	Feb.	Decision, Rota	*RD* 16-26	II. 288, 339
1924	15	Feb.	Decision, Rota	*RD* 16—42	II. 287
1924	18	Feb.	Decision, Rota	*RD* 16-48	II. 329
1924	19	Feb.	Decision, Rota	*RD* 16-58	II. 329
1924	26	Feb.	Reply, S. C. Prop. Fid.		I. 512
1924	29	Feb.	Decree, S. C. Consist.	16-160	I. 198
1924	29	Feb.	Decision, Rota	*RD* 16-67	II. 304
1924	1	Mar.	Decision, Rota	*RD* 16-74	II. 314
1924	2	Mar.	Reply, S. C. Rd.	16-165	I. 300
1924	7	Mar.	Ap. Letter, Pius XI	16-154	I. 382
1924	8	Mar	Decision, Rota	*RD* 16-86	II. 288
1924	14	Mar.	Decision, Rota	*RD* 16-105	II. 311
1924	Iȯ	Mar.	Resolution, S. C. Cone.	17-192	I. 233
1924	19	Mar.	Ap Letter, Pius XI	16-133	I. 265, 302, 312, 313, 661, 670
1924	28	Mar.	Decision» Rota	*RD* 16-113	II. 287, 328
1924	2	Apr.	Reply, Holy Office		I. 551
1924	8	Apr	Decision, Rota	*RD* 16-126	II 300

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1924	8	Apr.	Reply, Code Com.		II. 374
1924	16	Apr.	Decree, S. C. Cone.	16-431	I. 634
1924	22	Apr.	Reply, S. C. Sacr.	17-100	I. 384
1924	23	Apr.	Letter, S. C. Cone.	16-287	I. 633, 635
1924	27	Apr.	*Motu proprio,* Pius XI	16-181	II. 137
1924	27	Apr.		16-180	I. 670
1924	2	May	Reply, S. C. Rit.	16-248	I. 321
1924	23	May	Decision, Rota	*RD* 16-145	II. 293
1924	27	May	Decision, Rota	*RD* 16-150	II. 302
1924	31	May	Decision, Rota	*RD* 16-172	II. 293
1924	13	June	Decision, Rota	*RD* 16-223	II. 329
1924	21	June	Decision, Rota	*RD* 16-257	II. 287
1924	21	June	Decision, Rota	16-473	I. 722
1924	24	June	Letter, S. C. Cone.	16-332	I. 634
1924	25	June	Decision, Rota	*RD* 16-265	II. 340
1924	7	July	Decision, Rota	*RD* 16-284	II. 569
1924	10	July	Decree, S. Paen.	16-345	I. 453
1924	10	July	Reply, Holy Office		I. 552
1924	26	July	Letter, S. C. Sacr.	16-370	I. 385
1924	30	July	Decision, Signatura		II. 312
1924	31	July	Instruction, S. Paen.	16-337	I. 424
1924	4	Aug.	Decision, Rota	*RD* 16-303	II. 329
1924	13	Aug.	Decision, Rota	*RD* 16-365	II. 320
1924	29	Oct.	Decision, Rota	*RD* 16-371	II. 300
1924	5	Nov.	Reply, Holy Office		I. 553
1924	7	Nov.	Resolution, S. C. Prop. Fid.		II. 107
1924	12	Nov.	Decision, Rota	*RD* 16-391	II. 296
1924	25	Nov.	Decision, Rota	*RD* 16—104	II. 328
1924	28	Nov.	Reply, S. C. Rel.		I. 486
1924	2	Dec.	Decision, Rota	*RD* 16-415	II. 326
1925	• ·	• · · ·	Declaration, Holy Office	17-137	I. 687
1925	13	Jan.	Decision, Rota	*RD* 17-30	II. 322
1925	26	Jan.	Declaration, S. C. Eccl. Or.		III. 374
1925	4	Feb.	Decision, Rota	*RD* 17-39	II. 344
1925	5	Feb.	Reply, S. C. Rel.	17-107	I. 309
1925	7	Feb.	Decision, Rota	*RD* 17-47	II. 304
1925	11	Feb.	Decision, Rota	*RD* 17-61	II. 313
1925	11	Feb.	Decision, Rota	*RD* 17-67	II 323
1925	13	Feb.	Decision, Rota	*RD* 17-74	II. 312
1925	14	Feb.	Resolution, S. C. Cone.	18-48	I. 91
1925	21	Feb.	Decision, Rota	*RD* 17-101	II. 339
1925	21	Feb.	Decision, Rota	*RD* 17-108	II. 302
1925	4	Mar.	Reply, S. C. Sacr.		III. 454
1925	5	Mar.	Reply, S. Paen.		I. 859
1925	6	Mar.	Decree, S. C. Consist.	18-42	I. 245
1925	7	Mar.	Letter, S. C. Consist		IL
1925	9	Mar.	Reply, S. Paen.	17-327	II. 225
1925	10	Mar.	Decision, Rota	*RD* 17-124	II. 287
1925	23	Mar.	Decision, Rota	*RD* 17-129	II. 311
1925	24	Mar.	Decision, Rota	*RD* 17-141	II. 328
1925	30	Mar.	Reply, S. C. Rel.		III. 293
1925	1	Apr.	Decision, Rota	*RD* 17-149	IT. 329
1925	4	Apr.	Resolution, S. C. Cone.	18-132	I. 856

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1925	8	Apr.	Reply, Holy Office		I. 763
1925	25	Apr.	Decision, Rota	*RD* 17-155	II. 323
1925	28	Apr.	Decision, Rota	*RD* 17-165	II. 323
1925	28	Apr.	Decision, Rota	*RD* 17-173	II. 323
1925	1	May	Reply, Holy Office		I. 543
1925	2	May	Decision, Rota	*RD* 17-182	II. 323
1925	8	May	S. C. Rit.		II. 10
1925	16	May	Resolution, S. C. Cone.	18-10	I. 77
1925	25	May	Decision, Rota	*RD* 17-195	II. 277
1925	8	June	Reply, S. C. Rit.		II. 10
1925	13	June	Resolution, S. C. Cone.	18-132	I. 856
1925	21	June	Reply, Holy Office		I. 493
1925	21	June	Reply, S. C. Sacr.		II. 244, 245
1925	26	June	Decision, Rota	*RD* 17-262	II. 318
1925	30	June	Decision, Rota	*RD* 17-268	II. 312
1925	4	July	Replies, S. C. Sacr.	17-452	I. 346
1925	5	July	Notification, Pius XI	18-89	I. 168
1925	10	July	Decree, S. C. Cone.	17-381	I. 217
1925	11	July	Resolution, S. C. Cone.	18-48	I. 91
1925	15	July	Reply, Holy Office		II. 193
1925	27	July	Decision, Rota	*RD* 17-293	II. 301
1925	4	Aug.	Decision, Rota	*RD* 17-329	II. 295
1925	5	Aug.	Brief, Pius XI		II. 409
1925	6	Nov.	Reply, S. C. Rit.	18-21	I. 374, 455, 545
1925	10	Nov.	Replies, Code Com.	17-582	I. 59, 88, 225, 244, 252, 298, 415, 542, 546, 583
1925	13	Nov.	Decision, Rota	*RD 17-372*	II. 314
1925	14	Nov.	Decision, Rota	*RD* 17-384	II. 329
1925	14	Nov.	Reply, S. C. Cone.		I. 234
1925	24	Nov.	Declaration, S. C. Rel.	18-14	I. 269
1925	25	Nov.	Instruction, S. C. Sacr.	18-43	I. 338
1925	30	Nov.	Decision, Rota	*RD* 17-390	II. 295
1925	5	Dec.	Decision, Rota	*RD* 17-396	II. 341
1925	9	Dec.	Reply, S. C. Rit.	18-58	I. 374
1925	12	Dec.	Decision, Rota	*RD* 17-400	II. 323
1925	14	Dec.	Allocution, Pius XI	17-641	II. 74
1925	14	Dec.	Allocution. Pius XI	17-633	I. 609
1925	18	Dec.	Decision, Rota	*RD* 17-418	II. 289
1925	21	Dec.	Reply, S. Paen.	18-24	I. 422
1925	22	Dec.	Decision, Rota	*RD* 17-423	II. 288, 289, 330
1925	25	Dec.	Bull, Pius XI	17-611	I. 411, 486, 555. 854, 858
1926	5	Jan.	Rescript, S. C. Cone.		I. 592
1926	20	Jan.	Decision. Rota	*RD* 18-4	II. 296
1926	30	Jan.	Decision. Rota	*RD* 18-17	II. 335
1926	2	Feb.	Letter, Pius XI	18-175	I. 127
1926	10	Feb.	Decision, Rota	*RD* 18-22	II. 312
1926	13	Feb.	Decision, Rota	*RD* 18-33	II. 305
1926	23	Feb.	Reply, Holy Office		rv. 423
1926	28	Feb.	Encyclical, Pius XI	18-65	I. 462, 656
1926	1	Mar.	Decision, Rota	*RD* 18-58	II. 287

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1926	17	Mar.	Decision, Rota	*RD* 18-68	II. 297
1926	20	Mar.	Decision, Rota	*RD* 18-76	II. 289, 340
1926	24	Mar.	Decision, Rota	*RD* 18-93	II. 324
1926	29	Mar.	Induit, S. C. Sacr.		I. 409
1926	30	Mar.	Decision, Rota	*RD* 18-103	II. 312
1926	4	Apr.	*Statuta,* S. C. Prop. Fid.	18-231	II. 109
1926	7	Apr.	Decision, Rota	*RD* 18-108	II. 300
1926	9	Apr.	Decision, Rota	*RD* 18-116	II. 323
1926	14	Apr.	Rescript, S. C. Rit.	19-23	II. 234
19'6	16	Anr	Reply, Holy Office		II. 342
1926	17	Apr.	Decision, Rota	*RD* 18-133	II. 288, 339
1926	19	Apr.	Decision, Rota	*RD* 18-140	II. 319
1926	3	May	Reply, S. C. Sacr.	18-388	I. 386
1926	27	May	Decision, Rota	*RD* 18-183	II. 300
1926	5	June	Decision, Rota	*RD* 18-190	II. 312
1926	19	June	Instruction, Holy Office	18-282	I. 564
1926	25	June	Decision, Rota	*RD* 18-213	II. 300
1926	1	July	Letter, S. C. Cone.	18-312	I. 138
1926	7	July	Decision, Rota	*RD* 18-221	II. 309
1926	13	July	Decision, Rota	*RD* 18-228	II. 330
1926	15	July	Letter, S. C. Rel.		III. 216
1926	16	July	Reply, S. C. Prop. Fid.		I. 5S2
1926	25	July	Replies, Code Com.	18-393	I. 236, 278, 693 699 8S4
1926	26	July	Decision, Rota	*RD* 18-252	II. 305
1926	26	July	Decision, Signatura		II. 311
1926	28	July	Decision, Rota	*RD* 18-262	II. 305
1926	29	July	Decision, Rota	*RD* 18-287	II. 335
1926	29	July	Decision, Rota	18-501	I. 523
1926	4	Aug.	Decision, Rota	*RD* 18-292	II. 324
1926	10	Aug.	Decision, Rota	*RD* 18-318	II. 43
1926	11	Aug.	Decision, Rota	*RD* 18-325	II. 330
1926	12	Aug.	Decision, Rota	*RD* 18-331	II. 312
1926	17	Aug.	Decision, Rota	*RD* 18-353	II. 313
1926	8	Sept.	Letter, S. C. Scm.	18-453	I. 664
1926	9	Nov.	Reply, S. C. Rel.	18-490	I. 324
1926	10	Nov.	Reply, S. Pacn.	18-500	I. 209
1926	4	Dec.	Decision, Rota	*RD* 18-381	II. 330
1926	17	Dee.	Decision, Rota	*RD* 18-403	II. 324
1926	18	Dec.	Decision, Rota	*RD* 18-416	II. 319
1926	20	Dec.	Allocution, Pius XI	18-513	I. 610
1926	29	Dec.	Decree, Holy Office	18-529	I. 611
1927	• ·	• · · ·	Reply, S. Pacn.		III. 405
1927	24	Jan.	Chirograph, Pius XI	19-41	I. 616
1927	24	Jan.	Letter, Pius XI	19-45	II. 74
1927	31	Tan.	Rescript. S. C. Cone.		II. 1.S4
1927	5	Feb.	Decision. Rota	*RD* 19-20	II. 319
1927	7	Feb.	Decision, Rota	*RD* 19-25	II. 288, 339
1927	9	Feb.	Decision, Rota	*RD* 19-42	II. 307
1927	22	Feb.	Decision, Rota	*RD* 19-49	II. 316
1927	22	Feb.	Decree, S. C. Cone.	19-99	I. 116
1927	24	Feb.	Declaration, Pius XI	19-185	I. 692
1927	26	Feb.	Declaration, Bibl. Com.	19-160	I. 672

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1927	6	Mar.	Replies, Code Com.	19-161	I. 334, S82, 602
1927	8	Mar.	Reply, S. Paen.	19-157	I. 612
1927	14	Mar.	Decision, Rota	*RD* 19-70	IL 27S
1927	15	Mar.	Reply, S. C. Cone.	19-138	I. 128
1927	21	Mar.	Decision, Rota	*RD* 19-82	H. 289
1927	22	Mar.	Faculties, S. C. Sacr.		II 28
1927	25	Mar.	Reply, S. C. Rel.	19-138	I. 266
1927	7	Apr.	Reply, S. C. Prop. Fid.		II 45’
1927	11	Apr.	Decision, Rota	19-217	I. 536
1927	22	Apr.	Induit, S. C. Sacr.		II 180
1927	23	Apr.	Resolution, S. C. Cone.	19-415	I. 231
1927	27	Apr.	Reply, S. C. Rit.	19-192	I. 375
1927	29	Apr.	Declaration, S. C. Scm.	19-194	I. 673
1927	3	May	Instruction, Holy Office	19-186	I. 687
1927	4	May	Decision, Rota	*RD* 19-161	II. 308
1927	10	May	Decision, Rota	*RD* 19-169	II. 306
1927	14	May	Decision, Rota	*RD* 19-177	II. 324
1927	21	May	Resolution, S. C. Cone.	21-116	I. 734
1927	1	June	Decision, Rota	*RD* 19-192	II. 301
1927	4	June	Decision, Rota	*RD* 19-199	II. 324
1927	7	June	Decision, Rota	*RD* 19-208	II. 308
1927	8	June	Decision, Rota	*RD* 19-214	II. 305
1927	28	June	Decision, Rota	*RD* 19-237	II. 288, 340
1927	8	July	Reply, Holy Office	19-278	I. 620
1927	9	July	Decision, Rota	*RD* 19-299	II. 309
1927	16	July	Decision, Rota	*RD* 19-304	II. 316
1927	16	July	Resolution, S. C. Cone.	20-389	I. 695
1927	23	July	Decision, Rota	*RD* 19-315	II. 324
1927	30	July	Decision, Rota	*RD* 19-351	II. 298
1927	2	Aug.	Letter, Pius XI		III. 265
1927	4	Aug.	Decision, Rota	*RD* 19-363	II. 287
1927	10	Aug.	Decision, Rota	*RD* 19-404	II. 324
1927	11	Aug.	Decision, Rota	*RD* 19-426	II. 321
1927	4	Sept.	Ap. Letter, Pius XI	20-376	I. 450
1927	24	Sept.	*Motu proprio,* Pius XI	19-329	I. 170
1927	27	Sept.	Concordat	19-432	II. 74
1927	18	Oct.	Faculties, S. C. Cone.		II. 28
1927	21	Oct.	Reply, S. C. Rit.	19-381	I. 561
1927	4	Nov.	*Motu proprio,* Pius XI	19-393	I. 170
1927	12	Nov.	Resolution. S. C. Cone	20-84	I. 245, 255
1927	12	Nov.	Resolution, S. C. Cone	20-142	I. 578
1927	22	Nov.	Decision, Rota	*RD* 19-453	II. 76
1927	24	Nov.	Reply, Code Com		IL 215
1927	2	Dec.	Decision, Rota	*RD* 19-473	II. 331
1927	5	Dec.	Decision, Rota	*RD* 19-497	II. 309
1927	10	Dec.	Decision, Rota	*RD* 19-517	II. 331
1927	10	Dec.	Resolution, S. C. Cone	20-261	I. 566
1927	21	Dec.	Decision, Rota	*RD* 19-535	II. 317
1927	22	Dec.	Faculties, S. C. Sacr		II. 27
1927	23	Dec.	Faculties, S.C. Cone.		II. 26
1927	27	Dec.	Letter, Ap. Del. U.S		II. 29
1927	28	Dec.	Replies, Code Com.	20-61	I. 296, 412, 503, 541

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1927	30	Dec.	Decision, Rota	*RD* 19-540	II. 324
1927	30	Dec.	Decision, Rota	*RD* 19-548	II. 316
1928		Jan.	Faculties, S. Paen.		II. 29
1928			Reply, S. Paen.		III. 391
1928		Jan.	Reply, S. C. Sacr.	20-79	391
1928	a	Jan.	Reply, S. C. Sacr.	20-81	I. 404
1928	6	Jan.	Encyclical, Pius XI	20-5	621
1928	11	Jan.	Reply, S. C. Rit.	20-90	377
1928	13	Jan.	Decision, Rota	*RD* 20-1	II 554
1928	20	Jan.	Decision, Rota	*RD* 20-13	II 465, 466
1928	25	Jan.	Decision, Rota	*RD* 20-27	II 293
1928	25	Jan.	Letter, S. C. Seni.		
1928	27	Jan.	Reply, Holy Office	20-75	I. 762
1928	30	Jan.	Decision, Rota	*RD* 20-34	II. 325
1928	9	Feb.	Reply, S. C. Cone.		I. 145
1928	11	Feb.	Decision, Rota	*RD* 20-18	II. 309
1928	16	Feb.	Decision, Rota	*RD* 20-57	II. 300
1928	10	Mar.	Reply, Code Com.	20-120	I. 542, 546
1928	14	Mar.	Decision, Rota	*RD* 20-88	II. 319
1928	16	Mar.	Reply, Holy Office	20-105	I. 617
1928	17	Mar.	Reply, Holy Office		I. 595
1928	25	Mar.	Decree, Holy Office	20-103	I. 616
1928	2	Apr.	*Monitum,* S. C. EccL Or.	20-107	I. 6
1928	4	Apr.	Decision, Rota	*RD* 20-106	II. 301
1928	11	Apr.	Declaration, S. C. Scm.	20-157	I. 673
1928	16	Apr.	Decision, Rota	*RD* 20-113	II. 313
1928	16	Apr.	Decision, Rota	*RD 20–121*	IL 295
1928	16	Apr.	Decision, Rota	*RD 20-127*	II. 555
1928	22	Apr.	Decision, Rota	*RD* 20-141	II. 319
1928	2	May	Reply, S. C. Sacr.	20-359	I. 489
1928	9	May	Decision, Rota	*RD* 20-177	II. 312
1928	15	May	Decision, Rota	*RD* 20-188	II. 316
1928	26	May	Declaration, S. C. Eccl. Or.	20-195	I. 685
1928	5	June	Decision, Rota	*RD* 20-230	II. 312
1928	8	June	Reply, S. C. Rit.	20-237	378
1928	12	June	Decision, Rota	*RD 20-238*	IL 329
1928	15	June	Reply, S. C. Cone.		IL 206
1928	*23*	June	Decision, Rota	*RD* 20-257	IL 301
1928	24	June	Letter, Pius XI	20-432	IL 74
1928	30	June	Decision, Rota	*RD 20-267*	IL 344
1928	6	July	Reply, Holy Office		III. 468
1928	7	July	Decision, Rota	*RD* 20-281	II. 323
1928	9	July	Declaration, S. C. Prop. Fid.	20-266	164
1928	13	July	Decree, Com. Russia	20-260	I. 259
1928	28	July	Decision, Rota	*RD* 20-317	II. 300
1928	30	July	Decision, Rota	*RD* 20-323	II. 548
1928	31	July	Decision, Rota	*RD* 20-333	II. 313
1928	31	July	Decision, Rota	*RD* 20-342	II. 306
1928	1	Aug.	Decision, Rota	*RD* 20-347	II. 554
1928	7	Aug.	Decision, Rota	*RD* 20-377	II. 321
1028	10	Aug.	Decision, Rota	*RD* 20-391	II. 306'
1928	11	Aug.	Decision, Rota	*RD* 20-402	II. 293, 543
1928	15	Aug.	Letter, Pius XT	20-296	Ill 268

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1928	15	Aug.	Ap. Letter, Pius XI	21-12	I. 589
1928	8	Sept.	Encyclical, Pius XI	20-277	III. 34
1928	8	Sept.	Letter, Pius XI		III. 265
1928	17	Sept.	Letter, Pius XI	20-365	II. 74
1928	30	Sept.	*Motu proprio,* Pius XI	20-309	I. 672
1928	15	Oct.	Decision, Rota	*RD* 20-414	II. 324
1928	19	Oct.	Decision, Rota	*RD* 20—426	II. 289
1928	25	Oct.	Decision, Rota	*RD* 20-442	II. 303
1928	13	Nov.	Letter, Pius XI	20-386	III. 268
1928	13	Nov.	Letter, Pius XI	20-384	I. 128
1928	16	Nov.	Decree, S. Paen.	20-398	I. 614
1928	24	Nov.	Decision, Rota	*RD* 20-450	II. 331
1928	28	Nov.	Decision, Rota	*RD* 20-466	II. 312
1928	30	Nov.	Decision, Rota	*RD* 20-473	II. 331
1928	1	Dec.	Decision, Rota	*RD* 20-482	II. 320
1928	6	Dec.	Decree, S. C. Eccl. Or.	20-416	I. 85
1928	18	Dec.	Decision, Rota	*RD* 20-492	II. 439
1928	19	Dec.	Replies, S. C. Orient.		I. 4
1928	20	Dec.	Ap. Letter, Pius XI	21-33	I. 598
1929	6	Jan.	Constitution, Pius XI	21-5	I. 432
1929	• ·	• · · «	Notification, Pius XI	21-669	I. 16
1929	9	Jan.	Instruction, S. C. Rit.	21-43	I. 407
1929	12	Jan.	*Monitum,* Com. Russia	21-94	I. 849
1929	31	Jan.	Decision, Rota	21-75	IV. 342
1929	4	Feb.	Reply, S. C. Consist.	21-42	I. 617
1929	11	Feb.	Concordat	21-103	II. 74
1929	18	Feb.	Decision, Rota	22-179	II. 324
1929	18	Feb.	Instr., S. C. Prop. Fid.		III. 638
1929	22	Feb.	Decree, S. Paen.	21-2CO	I. 420
1929	1	Mar.	Decree, S. C. Eccl. Or.	21-152	I. 6
1929	6	Mar.	Decision, Rota	22-180	II. 306
1929	8	Mar.	Reply, S. Paen.	21-168	I. 433
1929	11	Mar.	Faculties, S. C. Rit.		II. 29
1929	12	Mar.	Replies, Code Com.	21-170	I. 209, 516, 584, 754, 807
1929	23	Mar.	Reply, S. C. Rit.		III. 346
1929	26	Mar.	Instruction, S. C. Sacr.	21-631	I. 353
1929	27	Mar.	Instruction, S. C. Sacr.	21-490	I. 792
1929	27	Apr.	Reply, S. C. Rit.	21-321	I. 251
1929	30	Apr	Induit, Pius XI	21-554	II. 42, 186
1929	5	June	Resolution, S. C. Cone.	21-494	I. 161
1929	15	June	Reply, S. C. Rit.		I. 375
1929	20	June	Decree, S. C. Cone.	21-384	II. 177, 439, 443
1929	23	June	Declaration, S. Paen.	21-510	I. 434
1929	24	June	*Motu proprio,* Pius XI	21-342	I. 165; II. 109; III. 254
1929	24	June	*Motu proprio,* Pius XI	21-345	III. 254
1929	20	July	Decision. Rota	22-184	II. 297
1929	20	July	Replies, Code Com.	21-573	I. 194, 462, 543, 560, 572, 731
1929	23	July	Decision. Rota	22-185	II. 330
1929	2	Aug.	Decision, Rota	22-185	II. 296
1929	2	Aug.	Reply, Holy Office	21–490	I. 156

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1929	5	Aug.	Decision, Rota	22-186	II. 325
1929	9	Aug.	Decision, Rota	22-187	II. 313
1929	26	Aug.	Instruction, Com. Russia	21-608	I. 850
1929	28	Aug.	Letter, S. C. Scm.	22-146	I. 666
1929	8	Sept.	Letter, Pius XI	22-163	II. 74
1929	6	Nov.	Letter, Pius XI	21-664	I. 132; III. 260
1979	7	Nov.	Rescript, S. C. Prop. Fid.		II. 75; III, 73
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1929	25	Nov.	instruction, S. C. Rel.	22-28	I. 280
in?Q	7s	NOV	Induit, Coni. Russia		II. 202
1929	8	Dec.	Instruction, S. C. Prop. Fid.	22-111	I. 637
1929	20	Dec.	Encyclical, Pius XI	21-689	I. 110
1929	23	Dec.	Decree, S. C. Eccl. Or.	22-99	I. 17
1929	23	Dec.	Encyclical, Pius XI	21-707	I. 433
1929	23	Dec.	Instruction, S. C. Sacr.	22-168	I. 797
1929	24	Dec.	Allocution, Pius XI	21-766	II. 74
1929	31	Dec.	Encyclical, Pius XI	22-49	I. 337, 548, 677, 679, 680, 682
1930	7	Jan.	Decree, S. C. Eccl. Or.	22-106	I. 24
1930	7	Jan.	Decree, S. C. Eccl. Or.	22-108	I. 27
1930	11	Jan.	Letter, S. C. Prop. Fid.		IV. 108
1930	12	Jan.	Instruction, S. C. Cone.	22-26	I. 212
1930	13	Jan.	Reply, S. Paen.	22-43	I. 456
iQxn	20	Jan.	Induit, Com. Russia		II. 207
1930	23	Jan.	Reply, S. Paen.	22-43	I. 435
1930	30	Jan.	Reply, S. C. Prop. Fid.		III. 489
1930	6	Feb.	*Motu proprio,PiusW*	22-87	I. 166
1930	6	Feb.	Letter, Pius XI	22-93	I. 171
1930	17	Feb.	Replies, Code Com.	22-195	I. 91, 220, 419, 544, 725, 808
1930	12	Mar.	Ap. Letter, Pius XI	22-343	I. 635
1930	15	Mar.	Resolution, S. C. Cone.	25-315	I. 709
1930	30	Mar.	Allocution, Pius XI		III. 265
1930	30	Mar.	Reply, Holy Office		II. 182
1930	6	Apr.	*Motu proprio,* Pius XI	22-153	I. 172
1930	29	Apr.	Reply, S. Paen.	22-292	I. 456
1930	24	Mav	Decree, S. C. Eccl. Or.	22-346	I. 29; III. 33
1930	25	May	Resolution, S. C. Cone.	25-155	I. 576
1930	11	June	Declaration, S. C. Eccl. Or.	22-354	I. 39
1930	21	June	Resolution, S. C. Cone.	25-38	I. 260
1930	21	June	Instruction, S. C. Cone.	22-395	I. 679
1930	28	June	Allocution, Pius XI		III. 268
1930	30	June	Allocution, Pius XI	22-296	I. 378
1930	5	July	Decree, S. Paen.	22-363	I. 457
1930	13	July	Replies, Code Com.	22-365	I. 301, 404, 661
1930	13	July	Reply, Holy Office	22-344	I. 685
1930	19	Julv	Resolution, S. C. Cone.	22–521	I. 256
1930	26	Tulv	Reply, S. C. Eccl. Or.	22-394	I. 174
1930	5	Aug.	Decision, Rota	23-100	II. 321
1930	19	Sept	Reply, S. C. Sacr.		II. 193
1930	23	Oct.	Decree, S. Paen.	22-493	I. 121
1930	10	Nov·	Decision, Rota	23-102	II. 296
1930	11	Nov.	Norms, Ap. Datary	22-525	I. 220

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1930	15	Nov.	Resolution, S. C. Cone.	2o–83	I. 234
1930	15	Nov.	Resolution, S. C. Cone.	25-155	I. 576
1930	20	Nov.	Resolution, S. C. Cone.	23-16	I. 714
1930	2	Dee.	Decree, S. C. Caer.	23-56	I. 167
1930	5	Dec.	Decree, S. Paen.	23-23	I. 122
1930	6	Dec.	Replies, Code Com.	23-25	I. 210, 550
1930	24	Dec.	Address, Pius XI	22-529	I. 506
1930	27	Dec.	Instruction, S. C. Sacr.	23-120	I. 463
1930	31	Dec.	Decree, S. C. Caer.	23-22	I. 210
1930	31	Dec.	Encyclical, Pius XI	22-539	I. 495, 504, 517, 554, 617
1930	31	Dec.	Encyclical, Pius XI	22-562	HI. 670
1931	18	Jan.	*Motu proprio,* Pius XI	23-33	I. 175
1931	29	Jan.	Replies, Code Com.	23-110	I. 194, 236, 241
1931	31	Jan.	Decree, S. Paen.	23-88	I. 457
1931	20	Mar.	Decree, S. C. Cone.	23-129	I. 561
1931	21	Mar.	Decree, Holy Office	23-118	I. 677
1931	25	Mar.	Decree, S. Paen.	23-167	I. 438
1931	27	Mar.	Ap. Const., Pius XI	23-366	II. 78
1931	15	Apr.	Induit, S. C. Sacr.		II. 239
1931	20	Apr.	Reply, Holy Office		II. 552
1931	24	Apr.	*Motu proprio,* Pius XI	23-151	I. 659
1931	29	Apr.	Reply, S. C. Rit.		I. 368
1931	10	May	Resolution, S. C. Cone.	23-235	I. 223
1931	15	May	Encyclical, Pius XI	23-177	II. 74
1931	20	May	Allocution, Pius XI i S. C. Prop. Fid.		III. 268
1931	20	May	Reply i Code Com. 1 Holy Office		I. 512
1931	24	May	Constitution, Pius XI	23-241	I. 49, 119, 172, 660, 674, 680, 681, 682
1931	9	June	Decree, S. C. Sacr.	23-457	I. 812
1931	9	June	Reply, Holy Office		I. 544
1931	12	June	*Ordinationes,* S. C. Scm	23-263	I. 171, 675, 680
1931	13	June	Resolution, S. C. Cone.	25-208	I. 700
1931	16	June	Replies, Code Com.	23-353	I. 294, 318, 810, 811
1931	24	June	Decree, S. C. Cone.		I. 249
1931	27	June	Supreme Signatura		II. 288
1931	27	June	Supreme Signatura		II. 295
1931	27	June	Supreme Signatura		II. 339
1931	1	July	Norms, Holy Office		III. 316
1931	11	July	Resolution, S. C. Cone.	25-373	I. 574
1931	16	July	Decree, S. C. Rel.		II. 170
1931	25	July	Replies, Code Com	23-388	I. 542, 544, 835
1931	28	July	Decree, S. C. Cone.	23-336	I. 123
1931	1	Aug.	Instruction, S. C. Sacr.	23-413	I. 514
1931	15	Oct.	Letter, S. C. Cone.		I. 584
1931	17	Oct.	Reply, S. C. Rit.		II. 348
1931	20	Oct.	Decree, S. Paen.	23-522	I. 436
1931	26	Oct.	Reply, S. C. Rit.		I. 560
1931	3	Nov.	Ri'ply, S. C. Sacr.		IT. 542

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1931	19	Nov.	Reply, S. C. Rel.	.....	III. 256
1931	20	Nov.	Decision, Rota	24-	II. 313
1931	25	Nov.	Decree, S. C. Rit.	27-310	II. 561
1931	30	Nov.	Reply, Holy Office	.....	II. 543
1931	1	Dec.	Instruction, S. C. Rel.	24-74	I. 473
1931	7	Dec.	Reply, Code Com.	.....	II. 51
1931	12	Dec.	Resolution, S. C. Cone.	24-147	I. 713
1931	29	Dec.	Decision, Rota	24-96	II. 316
1932	14	Jan.	Decree, Holy Office	24-25	I. 505
1932	2	Feb.	Ap. Del. U. S.	.....	II. 364
1932	6	Feb.	Holy Office	.....	II. 99
1932	25	Feb.	Instruction, S. C. Cone.	24-72	I. 599
1932	4	Mar.	Reply, S. C. Sacr.		III. 394
1932	4	Mar.	Reply, S. Paen.		II. 226
1932	5	Mar.	Resolution, S. C. Cone.	25-436	I. 151
1932	20	Mar.	Resolution, S. C. Cone.	25-436	I. 151
1932	1	Apr.	Bull, Pius XI	24-105	II. 152, 439
1932	9	Apr.	Reply, S. C. Cone.	25-492	I. 236
1932	11	Apr.	Reply, Holy Office	.....	I. 492; II. 245
1932	21	Apr.	Ap. Del. U.S.	.....	II. 361, 364
1932	1	May	Letter, S. C. Sacr.	.....	III. 448
1932	18	May	Reply, S. C. Prop. Fid.	.....	III. 348
1932	IS	May	Reply, S. C. Cone.	.....	II. 361
1932	30	May	Encyclical, Pius XI	24-183	II. 74
1932	3	June	Ap. Letter, Pius XI	24-231	I. 109
1932	7	June	Decree, S. C. Cone.	24-240	I. 596
1932	7	June	Reply, S. Paen.	.....	II. 226
1932	8	June	Reply, Holy Office	.....	II. 291
1932	18	June	Resolution, S. C. Cone.	26-58	II. 132
1932	21	June	Disposition, S. C. Cone.	24-242	I. 189
1932	25	June	Replies, Code Com.	24-284	I. 250, 501, 554
1932	30	June	Reply, Holy Office	.....	I. 513; II. 291
1932	30	June	Reply, S. C. Sacr.	24-271	I. 348
1932	• ·	July	Rescript, S. C. Sacr.	.....	II. 194
1932	1	July	Letter, S. C. Sacr.	24-272	I. 801
1932	15	July	Letter, S. C. Prop. Fid		II. 348
1932	16	July	Resolution, S. C. Cone	25-470	I. 717
1932	IS	Julv	Rescript, S. C. Prop. Fid.		II. 52
1932	25	July	S. C. Rel.		III. 101
1932	28	July	Replies, Code Com.	24-314	I. 742, 835
1932	28	July	Reply, S. C. Prop. Fid.		I. 191
1932	4	Aug.	Reply, Holy Office		I. 506
1932	6	Aug.	Decree, S. C. Scm.		III. 566
1932	26	Aug.	Rescript, S. C. Eccl. Or.		II. 218
1932	26	Sept.	Instruction, S. C. Eccl. Or	24-344	I. 39
1932	29	Sept.	Encyclical, Pius XI	24-331	II. 74
1932	8	Oct.	Reply, S. C. Consist.		II. 377
1932	27	Oct.	Address, Pius XI	24-355	I. 559
1932	7	Nov.	Decree, S. Paen.	24-411	I. 122
1932	7	Nov.	Decision, Signatura		I. 804
1932	7	Nov.	Reply, S. C. Prop. Fid.		III. 346
1032	25	Nov.	Decree, S. C. Rit.		II. 195
1932	2	Dec.	Rescript, S. C. Prop Fid		II. 218

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1932	10	Dec.	Resolution, S. C. Cone.	26-23	II. 134
1932	23	Dec.	Reply, S. C. Rit.		17U
1933	6	Jan.	Bull, Pius XI	25-5	I. 438
1933	12	Jan.	Decree, S. Paen.	25-69	I. 443
1933	30	Jan.	Ap. Const., Pius XI	25-10	I. 443
1933	30	Jan.	Ap. Const., Pius XI	25-14	I. 443
1933	30	Jan.	Ap. Const., Pius XI	25-19	I. 443
1933	1	Feb.	Instruction, S. C. Eccl. Or.	26-181	II. 190
1933	4	Feb.	Resolution, S. C. Cone.	26-183	II. 132
1933	28	Feb.	*Monita,* S. Paen.	25-60	I. 443
1933	28	Feb.	Decrees, S. Paen.	25-65	I. 443
1933	2	Mar.	Chirograph, Pius XI	25-73	I. 443
1933		Mar.	Resolution, S. C. Cone.	27-341	II. 140, 442
1933	13	Mar.	Allocution, Pius XI	25-108	II. 74
1933	13	Mar.	Allocution, Pius XI	25-116	I. 853
1933	*20*	Mar.	S. C. Prop. Fid.		II 181
1933	*20*	Mar.	Decree, S. Paen.	25-170	I. 417
1933	*21*	Mar.	Decree, S. Paen.	25-171	I. 444
1933	*30*	Mar.	Decree, S. Paen.	25-173	I. 443
1933	4	Apr.	Decision, Rota		III. 468
1933	12	Apr.	Reply, S. C. Prop. Fid.		II 332
1933	5	May	Letter, S. C. Prop. Fid.		AA. 452, 540
1933	16	May	Letter, S. C. Prop. Fid.		II 121
1933	18	May	Decree, S. Paen.	25-322	I. 122
1933	25	May	Reply, Holy Office		III. 479
1933	3	June	Encyclical, Pius XI	25-273	II. 74
1933	5	June	Concordat	26-249	II. 74
1933	15	June	Ap. Const., Pius XI	26-85	II. 436
1933	24	June	Decree, S. C. Caer.	25-341	I. 168
1933	26	June	Decree, S. C. Eccl. Or.	25-340	I. 459
1933	1	July	Reply, Bibl. Com.	25-344	I. 618
1933	15	July-	Resolution, S. C. Cone.	26-234	II. 173
1933	17	July	Replies, Code Com.	25-345	I. 603, 808
1933	24	July	Decree, S. Paen.	25-381	I. 445
1933	1	Aug.	Decree, S. Paen.	25-343	I. 444
1933	1	Aug.	Letter, Nuncio to Spain		III. 603
1933	10	Aug.	*Monitum,* S. C. Eccl. Or.	25-346	I. 173
1933	24	Aug.	Reply, S. C. Rit.		III. 520
1933	30	Aug.	Letter, Pius XI	25—162	II. 74
1933	13	Sept.	Replv, Code Com		II. 333
1933	20	Sept.	Declaration, S. Paen.	25-446	I. 458
1933	25	Oct.	Replv, S. C. Rit.		II. 348
1933	9	Nov.	Decree, S. Paen.	25-502	I. 445
1933	10	Nov.	Ap. Letter, Pius XI	26-628	II. 75
1933	7	Dec.	Decree, S. Paen.	26-35	II. 233, 236
1933	29	Dec.	Decree, S. Paen.	26-35	II. 235
1934	20	Feb.	Decree, S. Paen.	26-109	II. 233
1934	27	Feb.	Decree. Bibl. Com.	26-130	II. 393
1934	6	Mar.	Letter, Pius XI	26-227	II. 74
1934	9	Mar.	Decree, Holy Office	26-180	II. 394
1934	10	Mar.	Decree, S. C. Eccl. Or.	26-302	II. 7
1934	17	Mar.	Decree, Holy Office	26-233	II. 394
1934	2	Apr.	Ap. Const., Pius XI	26-137	I. 863

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1934	3	Apr.	*Monita,* S. Paen.	26-149	874
1934	3	Apr.	Decree, S. C. Eccl. Or.	26-319	II. 8
1934	10	Apr.	Decree, S. Paen.	26-243	II. 233
1934	24	Apr.	Decree, S. C. Sem.		II. 109
1934	25	Apr.	Decree, S. C. Rit.	26-559	II. 10
1934	27	Apr.	Instruction, S. C. Prop. Fid.		II. 422
1934	30	Apr.	Decree, Bibl. Com.	26-315	II. 196
1934	1	May	Letter, Pius XI	27-47	II. 75
1934	20	May	Instruction, S. C. Sacr.	27-11	II. 185; III. 305
1934	25	May	Rescript, S. C. Rit.		II. 217
1934	29	IJay	Reply, Code Com.	26-493	II. 95
1934	30	Iday	Decree, S. Paen.	26-312	II. 201, 235
1934	31	May	Letter, Pius XI	26-547	II. 74
1934	4	Jiune	Decree, S. Paen.	26-313	II. 232
1934	4	Jiune	Rescript, S. C. Rit.		II. 197
1934	4	Jtunc	Letter, S. C. Prop. Fid.		II. 120
1934	18	Jtune	Decree, Holy Office	26-133	II. 98, 376
1934	22	J[une	Letter, Pius XI	26-582	II. 74
1934	29	J[une	Norms, Rota	26-449	458
1934	30	J[une	Norms, S. C. Consist.	26-551	II. 122
1934	9	J[uly	Decree, S. Paen.	26-561	II. 233
1934	21	Jluly	Decree, Holy Office	26-550	II.
1934	24	J[uly	Decree, S. C. Caer.	26-523	II. 50
1934	26	Jluly	Letter, S. C. Sem.		II 425
1934	30	J[uly	Replies, Code Com.	26-494	II. 160, 175, 218, 286
1934	1	Aug.	Decree, S. Paen.	26-525	II. 233
1934	1	Aug.	Decree, S. Paen.	26-525	II. 236
1934	15	Aug.	Ap. Const., Pius XI	26-497	II. 24, 458
1934	28	Aug.	Letter, Pius XI	26-585	II. 74
1934	30	jXug.	Decree, S. Paen.	26-526	II. 234
1934	31	j■Xug.	Letter, S. C. Prop. Fid.		II. 121
1934	31	Aug.	Letter, S. C. Prop. Fid.		III. 74
1934	3	Sept.	Letter, Card. Pacelli		III. 273
1934	31	Oct.	Decree, S. Paen.	26-606	II. 226
1934	1	Nov.	Letter, Pius XI	27-301	II.
1934	9	Nov.	Letter, S. C. Prop. Fid.		II. 280
1934	15	Nov.	Reply, Holy Office		III. 474
1934	16	Nov.	Reply, Holy Office	26-634	II. 578
1934	26	Nov.	Reply, S. Paen.	26-643	II. 236
1934	12	Dec.	Letter. Ap. Del. Mexico		II. 393
1934	17	Dec.	Letter, S. C. Prop. Fid.		II. 347
1934	21	Dec.	*Motu proprio,* Pius XI	27-65	II. 110
1935	12	Jan.	Decree, S. C. Cone.	27-145	II. 412
1935	15	Jan.	Decree, S. Paen.	27-60	II. 224, 235
1935	15	Jan.	Decree, S. C. Rit.	27-58	II. 559
1935	19	Jan.	Decree, S. C. Rit.	27-81	II. 10
1935	1	Feb.	*Monitum,* S. Paen.	27-62	II 219
1935	4	Feb.	Induit, S. C. Sacr.		II 193
1935	12	Feb.	Replies, Code Com.	27-92	II. 53, 161, 166
1935	16	Feb.	Reply, Holy Office		III. 410
1935	14	Mar.	Address. Pius XI		II 74
1935	16	Mar.	Decree, S. Paen.	27-114	II. 236

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1935	24	Mar.	Allocution, Pius XI		III. 270
1935	25	Mar.	Notification, S. C. Eccl. Or.	27-141	II. 8
1935	25	Mar.	Ap. Const., Pius XI	27-97	II. 25, 75, 114
1935	28	Mar.	Letter, S. C. Prop. Fid.		II. 540
1935	8	Apr.	Bull, Pius XI	28-94	II. 238
1935	12	Apr.	Decree, S. Paen.	27-169	II. 236
1935	13	Apr.	Rescript, S. Paen.		II. 227
1935	13	Apr.	Resolution, S. C. Cone.	29-33	II. 177
1935	24	Apr.	Reply, S. C. Sacr.		II. 336
1935	19	May	Bull, Pius XI	28-185	IL 10
1935	20	May	Decree, S. Paen.	27-277	II. 236
1935	22	May	Letter, S. C. Prop. Fid.		II. 119
1935	25	May	Decision, Rota		III. 146
1935	28	May	Reply, S. C. Prop. Fid.		II. 365
1935	1	June	Letter, S. C. Prop. Fid.		II. 347
1935	10	June	Instruction, S. C. Eccl. Or.	27-333	II. 8, 540
1935	17	July	Notification, S. C. Eccl. Or.	27-300	II. 7
1935	17	July	Letter, Ap. Del. U. S.		III. 474
1935	18	July	Decree, S. Paen.	27-315	II. 235
1935	21	July	Notification, S. C. Eccl. Or.	27-379	II. 7
1935	19	Aug.	Letter, Pius XI	28-65	II. 56
1935	20	Aug.	Letter, Pius XI	28-157	II. 74
1935	29	Aug.	Allocution, Pius XI		III. 263
1935	2	Sept.	Letter, Pius XI	28-64	II. 118
1935	19	Sept.	Ap. Const., Pius XI	27-367	II. 76, *204, 333*
1935	2	Oct.	Decree, S. Paen.	27-449	*II.* 224, 235
1935	11	Oct.	Decree, S. C. Consist.	28-71	II. 122
1935	25	Oct.	Letter, S. C. Prop. Fid.		II. 419
1935	27	Oct.	Letter, Pius XI	28-159	II. 57
1935	..	....	Instr., S. C. Eccl. Or.		III. 454
1935	20	Nov.	Ap. Letter, Pius XI	27-482	II. 160
1935	26	Nov.	*Summarium,* S. Paen.		II. 227
1935	30	Nov.	Rescript, S. C. Rit.		II. 199
1935	6	Dec.	Declaration, S. C. Rit.	27-489	II. 55
1935	8	Dec.	Ap. Del. Japan		II. 156, 372
1935	16	Dec.	Secret Consistory	27-457	II. 95
1935	20	Dec.	Encyclical, Pius XI	28-5	II. 53
1935	24	Dec.	Decree, S. C. Rit.	28-54	II. 201
1935	28	Dec.	Decree, S. Paen.	28-79	II. 234
1936	..	....	Reply, S. C. Rel.		III. 220
1936	10	Jan.	Address, Pius XI		II. 64
1936	16	Jan.	Reply, Code Com.	28-178	II. 557
1936	16	Jan.	Rescript, S. C. Rit.		II. 9
1936	18	Jan.	Resolution, S. C. Cone.	29-343	II. 391
1936	23	Jan.	Decision, Rota	.....	III. 446
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1936	11	Feb.	Instr., S. C. Prop. Fid.	28-208	II. 153
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1946	22	Jan.	Induit, S. C. Cone.	38-27	HI. 493
1946	20	Mar.	Replies, S. Paen.	38-160	III. 387
1946	25	Mar.	Induit, S. C. Sacr.		III. 366
1946	4	Apr.	Induit, S. C. Sacr.		III. 370
1946	11	Apr.	Ap. Const., Pius XII	38-301	III. 80
1946	1	May	Encycl., Pius XII	42-782	III. 521
1946	13	May	Decree, S. C. Sacr.	38-281	III. 622
1946	19	May	Letter, Ap. Del. U. S.		III. 40
1946	27	May	Induit, S. C. Sacr.		III. 370
1946	4	June	Decree, Holy Office	38-280	III. 650, 661
1946	29	June	Letter, Ap. Del. U. S.		III. 40
1946	10	Aug.	S. C.Rit.	38-371	III. 571
1946	26	Aug.	Letter, Pius XII		III. 265
1946	14	Sept.	Decree, S. C. Sacr.	38-349	III. 303
1946	6	Oct.	Allocution, Pius XII	38-391	III. 650
1946	14	Oct.	Dcclar., S. C. Cone.	38-401	III. 662
1946	30	Oct.	Reply, Holy Office		III. 484
1946	15	Nov.	Allocution, Pius XII	38-126	III. 290
1946	3	Dec.	Letter, Ap. Del. U. S.		III. 602
1946	30	Dec.	Reply, S. C. Sacr.		III. 312
1<M7	2	Jan.	Reply, S. C. Sacr.		III. 313
1947	7	Jan.	Reply, Holy Office		III. 462
1947	20	Jan.	Decree, S. C. Sem.	40-43	III. 569
1947	2	Feb.	Ap. Const.. Pius XII	39-114	III. 135
1947	8	Feb.	Induit, S. C. Sacr.		HI. 370
1947	14	Feb.	Reply, Holy Office	..... «	III. 463
1947	27	Feb.	Decision. Rota		III. 430
1947	20	Mar.	Reply. Holy Office	39-130	III. 488
1947	21	Mar.	Encycl.. Pius XII	39-137	III. 157
1947	25	Mar.	Decree, S. C. Rel	39-131	III. 146
1947	26	Mar.	Replies. Holv Office		III. 421
1947	3	Apr.	T.etter. Ap. Del. U. S.		III 367, 368
1947	7	Apr.	*Motu proprio,* Pius XII	39-155	III. 603
1947	25	Apr.	Reply, S. C. Rit.	39-240	III. 646
1947	17	May	Letter, Ap. Del. U. S.		III. 366
1947	22	May	Reply. Holv Office		III. 475
1947	23	May	Decision. N. V. Tribunal		III. 417
1947	29	May	Replies, Code Com.	39-373	HI. 38, 644
1047	10	June	Decision. Rota		III. 439
1947	19	June	Reply. Holy Office		III. 482
1047	24	June	Dcclar., S. C. Consist.	39-273	III. 665

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1947	26 June	Replies, Code Com.	39-374	III. 56, 404, 670
1947	9 July	Decree, S. C. Rel.	40-378	HI. 158
1947	18 July	Reply, Holy Office		III. 485
1947	26 Aug.	Letter, Pius XII	39-380	III. 104
1947	8 Sept.	Dedar., S. C. Cone.	39-420	III. 666
1947	12 Sept.	Telegram, Pius XII		III. 270
1947	17 Sept.	Homily, Pius XII	39-452	III. 157
1947	22 Oct.	Reply, Bibl. Com.	39-508	HI. 67
1947	23 Oct.	Induit, Holy Office		III. 374
1947	23 Oct.	Induit, Holy Office		HI. 369
1947	29 Oct.	Allocution, Pius XII	39–493	III. 593
1947	30 Oct	Rescript, S. C. Cone		IV. 380
1947	18 Nov.	Decree, S. C. Prop Fid.	40-423	III. 293
1947	20 Nov.	Encycl., Pius XII	39-521	III. 359
1947	27 Nov.	Reply, Code Com.	40-301	III. 253
1947	30 Nov.	Ap. Const., Pius XII	40-5	III. 396
1947	7 Dec.	Radio Address, Pius XII	39-632	III. 265
1947	16 Dec.	*Motu proprio,* Pius XII	40-17	III. 376
1947	18 Dec.	Encycl., Pius XII	39-601	III. 80
1947	18 Dec.	Decree, S. C. Prop. Fid.	40-41	III. 314
1948	16 Jan.	Letter, Bibl. Com.	40-45	HL 522
1948	24 Jan.	Letter, Pius XII		III. 265
1948	25 Jan.	Decree, S. C. Sem.	40-158	III. 104
1948	26 Tun.	Decision Rota		IV. 323
1948	30 Jan.	Letter, Pius XIT	40-328	TIL 259
1948	18 Feb.	Letter, Pius XII	40-108	HI. 102
1948	23 Feb.	Decree, S. Paen.	40-94	III. 391
1948	27 Feb.	Decree, S. C. Rit.	40-124	HI. 37
1948	3 Mar.	Ap. Const., Pius XII	40-287	III. 33
1948	12 Mar.	*Motu proprio,* Pius XII	40-283	III. 147
1948	19 Mar.	Instr., S. C. Rel.	40-293	III. 151
1948	27 Mar.	Allocution, Pius XII		III. 265
1948	6 Apr.	Letter, Pius XII	40-177	III. 80
1948	26 Apr.	Replies, Code Com.	40-301	HI. 663
1948	1 May	Decree, S. C. Eccl. Dr.	40–422	III. 29
1948	1 Mav	Decree, S. C. Sem.	40-298	ITT. 101
1948	23 May	Dedar., S. C. Sem.	40-260	III. 567
1948	31 May	Rcplv, Code Com.	40-302	III. 448
1948	5 June	*Monitum* Holy Office	40-257	HI. 531
1948	10 June	Declar., S. C. Rit.	40-342	III. 575
1948	10 June	Decision, Rota		HI. 443
1948	11 Tunc.	Induit C Rit		IV. 364
1948	28 June	Exhortation, Pius XII	40-374	III. 107
1948	8 Julv	Replies, Code Com.	40-386	HI. 406, 452
1948	24 July	Replies, S. C. Eccl. Or.		TH. 50
1948	31 July	Letter. Netherlands Bishops		ITT. 531
1948	1 Aug.	*Motu proprio,* Pius XII	40-305	ITT. 463
1948	1 Sept.	Pastoral. Hungarian Bishops		HI. 570
1948	5 Sept.	\llocution. Pius XII	40-405	HI. 290
1948	12 Sept.	Allocution, Pius XTT	40-409	III. 290
1948	19 Sept.	Letter, Pius XII	40-500	TIT. 274
1048	27 Sept.	Ap. Const.. Pius XTT	40-393	TH. 262
1048	21 Oct.	Decree. S. C. Prop Fid	41-34	TH. 60

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1948	25	Oct.	Induit, S. C. Rel.		III. 371
1948	16	Nov.	Statement, Card. Mindszcnty		HI. 662
1948	16	Nov.	Induit, S. C. Sacr.		IV. 257
1948	IS	Nov.	Rescript, S. C. Sacr.		IV. 253
1948	9	Dec.	Questionnaire, S. C. Rel.		III. 162
I94S	28	Dec.	Dedar., S. C. Consist.	41-31	III. 666
1949	2	Jan.	Letter, Pius XII	41-29	III. 521, 662
1949	26	Jan.	Replies, Code Com.	41-158	III. 56, 405
1949	27	Jan.	Reply, Holy Office		III. 408
1949	28	Jan.	Induit, S. C. Eccl. Or.	41-31	III. 495
1949	28	Jan.	Induit, S. C. Cone.	41–32	III. 494
1949	28	Jan.	Reply, Holy Office		III. 473
1949	12	Feb.	Exhortation, Pius XII		in. 662
1949	12	Feb.	Dedar., S. C. Consist.	41-80	III. 666
1949	14	Feb.	Allocution, Pius XII		III. 662
1949	17	Feb.	Text, Bulgarian Law		III. 662
1949	20	Feb.	Address, Pius XII		III. 662
1949	21	Feb.	Reply, Holy Office		III. 410
1049	22	Feb.	*Motu proprio,* Pius XII	41-89	III. 399
1949	21	Mar.	Letter, Pius XTT	41-324	III. 278
1949	23	Mar.	Prayer, Pius XII	41-187	III. 390
1949	26	Mar.	S. C. Consist.	41-189	III. 51
1949	29	Mar.	Reply, Holy Office		III. 464
1949	2	Apr.	*Motu proprio,* Pius XII	41-165	III. 61
1949	9	Apr.	Decision, Vic. Urb.		IV. 327
1049	12	Apr.	Decree, S. C. Cone.	41-221	III. 100. 576
1949	7	May	Allocution. Pius XII	41-283	III. 290
1949	11	May	Decision, Rota		IV. 400
1949	18	May	Reply, Holy Office	.....	III. 422
1949	26	May	Jubilee, Pius XTT	41-257	III. 390
1949	30	May	Decision. Rota		III. 639
1949	15	June	Pastoral, Archbishop Beran		III. 662
1940	15	June	Pastoral, Hierarchy, Czechs		III. 662
1949	20	June	Decree, Holy Office	41-333	III. 657
1010	30	June	Decree, S. C. Eccl. Or.	41-373	III. 365
1949	30	Tunc	Decree, S. C. Cone	41-374	III. 365
1949	30	June	Reply, Holy Office	41-427	Ill 446
1940	1	July	Replies, Holy Office	41-334	III. 658
1949	10	July	Ap. Const., Pius XII	41-345	III. 391
1949	10	Tulv	Ap. Const., Pius XII	41-337	in. 390
1949	10	July	Ap. Const., Pius XII	41-340	III. 391
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1949	13	Tulv	Dedar.. S. C. Rit.	41-617	III. 512
1949	15	Tuly	Reply, Holy Office		TH. 446
1940	27	Tuly	Ap. Letter, Pius XII	42-385	HL 290, 570
1949	8	Auk.	Letter, Holv Office		III. 525
1049	11	Aug.	Declan. Holy Office	41–427	HI. 407
1949	15	Aug.	Letter, S. C. Sem.	41-618	III. 549
1049	15	Aug.	Tnstr., S. C. Sacr.		TIT. 629
1949	16	Aug.	Letter, Archb New Orleans		TH. 370
1040	18	Aug.	Decree, S. C. Rit.	41-476	HI. 518
1940	1	Sept.	Letter, Pius XII	41–ISO	TIT 662
1010	4	Sept.	Allocution. Pius XII	···«··	TH 570

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1949	8	Sept.	Statement, Clergy, Czechs	....	III. 662
1949	8	Sept.	Pastoral, Cardinals of France	....	III. 660
1949	11	Sept.	Allocution, Pius XII	41-547	III. 289
1949	14	Sept.	Ap. Letter, Pius XII	43-722	III. 59
1949	17	Sept.	*Monita,* S. Paen.	41-513	III. 391
1949	17	Sept.	*Monita,* S. Paen.	41-518, 519,520	III. 391
1949	20	Sept.	Allocution, Pius XII	41-551	III. 290
1949	29	Sept.	Allocution, Pius XII	41-557	III. 432
1949	1	Oct.	Instr., S.C.Sacr.	41-493	III. 318
1949	7	Oct.	Decision, Rota		IV. 404
1949	6	Nov.	Allocution, Pius XII	41-597	III. 3
1949	11	Nov.	Reply, Holy Office		IV. 345
1949	12	Nov.	Decision, Rota		III. 611
1949	13	Nov.	Allocution, Pius XΓI	41-604	III. 10
1949	16	Nov.	Reply, Holy Office		III. 447
1949	21	Nov.	Statement, U. S. Hierarchy	.....	III. 401
1949	15	Dec.	Induit, S. C. Sacr.	41-616	III. 391
1949	20	Dec.	Instr., Holy Office	42–142	III. 536
1949	22	Dec.	Interpretation. HolyOffice	.....	IV. 329
1949	23	Dec.	Address. Pius XII	42-120	III. 391
1949	24	Dec.	Induit, S. C. Sacr.		III. 363
1949	28	Dec.	Reply, Holy Office	41-650	III. 423
1950	3	Jan.	Reply, Holy Office		III. 465
1950	6	Jan.	*Motu proprio,* Pius XII	42-5	III. 585
1950	12	Jan.	Letter, S. C. Sem.		III. 544
1950	22	Jan.	Declan, S. Paen.		III. 388
1950	25	Jan.	Exhort.. Pius XII	42-247	III. 290
1950	26	Jan.	Reply, S. C. Rit.		III. 360
1950	30	Jan.	Reply, Holy Office		III. 486
1950	2	Feb.	Induit, S. C. Sacr.		III. 360
1950	9	Feb.	Letter, S. C. Rel.		III. 207
1950	17	Feb.	Allocution. Pius XT!	42-251	III. 290
1950	18	Feb.	Decree. S. C. Consist.	42-195	III. 670
1950	18	Feb.	Renlv. S. C. Rit.		III. 360
1950	2	Mar.	Reply, S. C. Rit.		III. 361
1950	7	Mar.	Letter. S. C. Sem.	42-836	III. 544
1950	8	Mar.	Induit. S. C. Prop. Fid.		III. 361
1950	15	Mar.	Reply. S. C. Rit.		III. 519
1950	18	Mar.	Decision. Rota	.....	IV. 342
1950	22	Mar.	Decree, S. C. Cone.	42-330	III. 68
1950	29	Mar.	Rcplv. S. C. Rit.		III. Ill
1950	29	Mar.	Rcplv, S. C. Rit.		III. 253
1950	29	Mar.	Reply. S. C Rit.		III. 360
1950	10	Apr.	Allocution. Pius XII	42-395	III. 568
1950	14	Apr.	Aerecment. Polish Govt.	.....	HI. 662
1950	14	Apr.	Rcplv, S. C. Rit.		III. 489
1950	15	Apr.	Ap.Letter.PiusXII	42-437	TIL 280
1950	17	Apr.	Reply, Holv Office		III. 423
1950	22	Apr.	Statement. Polish Bishops	.....	HI. 662
1950	26	Apr.	Ap. Letter. Pius XII	42-595	III. 37. 383
1950	2	May	Reply, S C. Rit		III. 359
1950	2	May	Decree. Holy Office		HI. 659

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1950	13	May	Instr., Bibl. Com.	42-425	III. 551
1950	15	May	Ap. Letter, Pius XII	42-431	III. 37, 570
1950	1	June	Reply, S. C. Rit.	.....	HI. 360
1950	3	June	Allocution, Pius XII	42-485	III. 290
1950	7	June	Letter, Pius XII	42-552	III. 291
1950	12	June	Reply, S. C. Rit.	.....	III. 360
1950	14	June	Notification, Holy Office	42-489	III. 393
1950	26	June	Reply, S. C. Rit.	.....	III. 362
1950	26	June	Reply, S. C. Rit.	.....	III. 519
1950	29	June	Decree, S. C. Cone.	42-601	III. 69
1950	4	July	Reply, Holy Office	.....	IV. 329
1950	8	July	Reply, S. C. Rit.	.....	III. 215
1950	14	July	Reply, Holy Office	.....	III. 30
1950	15	July	Address, Pius XII	.....	III. 23
1950	18	July	Concordat	42-811	III. 38
1950	28	July	*Monitum,* Holy Office	42-553	III. 660
1950	29	July	Reply, S. C. Rit.	.....	III. 301
1950	6	Aug.	Letter, Pius XII	42-635	III. 290
1950	7	Aug.	Decree, S. C. Sacr.	44-280	III. 636
1950	9	Aug.	Letter, Pius XII	42-725	III. 544
1950	12	Aug.	Encyclical, Pius XII	42-561	III. 530
1950	21	Aug.	Reply, S. C. Rit.	.....	III. 490
1950	3	Sept.	Radio Address, Pius XII	42-639	III. 290
1950	12	Sept.	Reply, S. C. Rit.	.....	HI. 67
1950	15	Sept.	Faculties, S. C. Prop. Fid.	.....	HI. 54
1950	15	Sept.	Reply, S. C. Rit.	.....	III. 360
1950	17	Sept.	Allocution, Pius XII	42-734	III. 290
1950	21	Sept.	Allocution, Pius XII	42-735	III. 569
1950	23	Sept.	Exhort., Pius XII	42-657	III. 61
1950	14	Oct.	Allocution. Pius XII	42-816	III. 290
1950	24	Oct.	Induit, S. C. Rel.	.....	IV. 166
1950	30	Oct.	Homily, Pius XII	42-774	III. 521
1950	30	Oct.	Consistory	42-774	III. 521
1950	31	Oct.	Text, S.C. Rit.	42-793	III. 359, 521
1950	1	Nov.	Decree, S. C. Sem.	43-495	III. 570
1950	1	Nov.	Dogmatic Bull. Pius XII	42-753	III. 521
1950	1	Nov.	Ceremonies of definition	42-778	III. 521
1950	2	Nov.	Oration. Pius XII	42-784	III. 521
1950	6	Nov.	Decree, S. C. Consist.	43-91	III. 117
1950	11	Nov.	Resolution, S. C. Cone	43-177	III. 363
1950	13	Nov.	Concordat	43-80	HI. 38
1950	15-17	Nov.	Statement, U. S. Hierarchy	.....	III. 569
1950	21	Nov.	Ap. Const., Pius XII	43-5	HI. 221
1950	23	Nov.	Instr., S. C. Rel.	43-37	III. 240
1950	8	Dec.	Allocution. Pius XII	43-26	III. 119
1950	8	Dec.	Decree, S.C Consist.	44-743	III. 118
1950	25	Dec.	Ap. Const., Pius XII	42-853	III. 391
1950	26	Dec.	Instr., S. Paen.	42-900	III. 391
1951	10	Jan.	Letter, S. C. Rel.	.....	III. 217
1951	11	Jan.	Decree, Holv Office	43-91	HL 284
1951	12	Jan.	Ap. Letter, Pius XII	44-216	III. 37
1951	26	Jan.	Ap. Letter. Pius XU	46-398	IV. 362

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1951	3	Feb.	Reply, S. C. Rit.		IV. 352
1951	9	Feb.	Decree, S. C. Rit.	43-128	III. 34
1951	12	Feb.	Reply, Holy Office	43-217	III. 358
1951	17	Feb.	Decree, S. C. Consist.	43-477	III. 117
1951	20	Feb.	Letter, S. C. Prop. Ed.		III. 543
1951	23	Feb.	Decision, Rota	43-872	III. 440
1951	2S	Feb.	Decision, Rota		IV. 417
1951	7	Mar.	Letter, S. C. Rel.		III. 248
1951	17	Mar.	Dedar., S. C. Consist.	43-173	III. 664
1951	21	Mar.	Letter, S. C. Prop. Fid.		III. 256
1951	4	Apr.	Tribunal, Brooklyn		III. 428
1951	4	Apr.	Decision, Rota		IV. 325
1951	9	Apr.	Decree, Holy Office	43-217	HI. 649
1951	11	Apr.	Letter, S. C. Rd.		III. 513
1951	12	Apr.	Reply, S. C. Rit.		III. 361
1951	19	Apr.	Reply, S. C. Rel.		IV. 238
1051	23	Apr.	Instr., S. C. Consist	13-562	III. 113
1951	5	Ma\	Allocution. Pius XII		HI. 290
1951	12	Maj	Decree, S. C. Consist	13 480	HI. 108
1951	20	May	Notification, Vic. Urb		HI. 315
1951	30	May	Notification, Holy Office	43-477	HI. 76
1951	2	June	Letter, S. C. Consist.	13-565	III. 117
1951	2	June	Encyclical, Pius XII	43-497	III. 543
1951	20	June	Decree, Bibl. Com	43-747	HI. 568
1951	29	June	Dedar.. S. C. Consist.	43-481	III. 667
1951	30	June	Letter, Pius XII	43-589	III. 290
1951	6	July	Letter. Pius XII	43-592	III. 290
1951	13	July	Decree. S. C. Consist.	43-602	III. 212
1951	14	July	Reply, S. Pacn.		III. 388
1951	25	July	Decree, Holy Office	43-561	III. 507
1951	9	Aug.	Reply, S. C. Rd		IV. 210
1951	8	Sept.	Encyclical, Pius XII	43-625	III. 521
1951	13	Sept.	Exhortation, Pius XII	43-738	III. 570
1051	14	Sept.	Letter. Pius XII	13-778	TIL 542
1051	15	Sept.	Encyclical. Pius XII	43-577	III 510
1051	17	Sept.	Dedar . S. C Consist	13-603	III. 661
1051	18	Sept.	Allocution. Pius XII	13-730	III. 570
1951	2	Oct	Induit. S C Rd		TV 101
1051	9	Oct.	Decision. Rota		IV. 405
1951	14	Oct.	Allocution. Pius XII	43-784	III 290
1051	23	Oct.	Decree. S. C. Rd	13-806	HI. 101
1951	24	Oct.	Letter, S. C. Consist	44—231	ITT. 544
1951	28	Oct	Ap. Letter. Pius XII	43-768	TIL 665
1951	28	Oct.	Letter. Pius XII	44-365	TIT. 284
1951	29	Oct	Allocution, Pius XII	43-835	TH. 402, 434. 440, 469, 669
1051	7	Nov	Decision. Rota		IV 334
1051	12	Nov.	Rescript. S. C. Rd.		III. 252
1051	14	Nov.	Decree. S. C. Eccl. Or	44-382	TIT. 32
1051	14	Nov.	Report. Enisc. Com. U S.		TIT. 496
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1951	17	Dec.	Declaration, S. C. Cone.		III. 581
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1952		Jan.	Decree, S. C. Rit.	44-48	HI. 35
1952	iS	Jan.	Ap. Letter, Pius XII	44-158	III. 662
1952		Feb.	Decree, S. C. Prop. Fid.	47-247	IV. 425
1952	9	Feb.	*Motu proprio,* Pius XII	44-65	HI. 131
1952	19	Feb.	Decision, Rota		III. 448
1952	26	Feb.	Decision, Rota		HI. 435
1952	26	Feb.	Decision, Rota		IV. 326
1952		Mar.	Decree, S. Pacn.	44 -235	III. 391
1952		Mar.	Letter, Ap. Del. U. S.		IV. 316
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1952	21	Mar.	Ap. Letter, Pius XII	44-520	HI. 157
1952	21	Mar.	Brief, Pius XII	44-520	IV. 189
1952	23	Mar.	Radio Address, Pius XII		HI. 530
1952	24	Mar.	Reply, S. C. Sacr.		III. 372
1952	25	Mar.	Decree, S. C. Sacr.	44-281	III. 637
1952	25	Mar.	Letter, S. C. Cone.	44-232	Ill 493
1952	26	Mar.	Replies, Code Com.	44-496	III. 220, 314, 407
1952	26	Mar.	Replies, Code Com.	44-497	III. 73, 76, 493
1952		Mar.	Ap. Letter, Pius XII	44 -249	III. 662
1952	27	Mar.	Reply, Holy Office		IV. 346
1952	28	Mar.	Decision, Rota		IV. 83
1952	8	Apr.	Address, Pius XII		III. 512
1952	9	Apr.	Decision, Rota		IV. 320
1952	10	Apr.	Letter, Ap. Del. U. S.		IV. 353
1952	10	Apr.	Allocution, Pius XII		in. 288
1952	10	Apr.	Reply, Holy Office		III. 466
1952	18	Apr.	Allocution, Pius XII	44-413	HI. 530
1952	27	Apr.	Address, Pius XII	44-168	III. 290
1952	28	Apr.	Address, Pius XII		III. 543
1952	29	Apr.	Allocution, Pius XII	44-371	III. 15
1952	30	Apr.	Prayer, S. Pacn.	44-389	III. 391
1952	5	May	Induit, S. C. Sacr.		III. 372
1952	9	May	Decree, S. C. Rit.	44—489	III. 37
1952	9	May	Reply, S. Pacn.		III. 390
1952	10	May	Decree, S. C. Eccl. Or.	4 4-632	III. 31
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